

2017 KENTUCKY GENERAL ASSEMBLY

**EFFECTIVE DATE OF MOST NEW LEGISLATION IS
JUNE 29, 2017**

****Unless noted as different in individual statutes***

**NOTE - CERTAIN BILLS ARE EMERGENCY LEGISLATION AND EFFECTIVE
IMMEDIATELY UPON THE SIGNATURE OF THE GOVERNOR (SEE INDIVIDUAL
STATUTES DENOTED IN RED).**

**STATUTES ARE NOT CONSIDERED OFFICIAL UNTIL PUBLISHED BY THE
LEGISLATIVE RESEARCH COMMISSION ON THE KENTUCKY STATE WEBSITE.**

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SENATE

**EMERGENCY
SENATE BILL 3 PUBLIC SECTOR RETIREMENT
SIGNED INTO LAW AND EFFECTIVE AS OF JANUARY 9, 2017**

Section 1. KRS 61.661 is amended to read as follows:

- (1) (a) Each current, former, or retired member's account shall be administered in a confidential manner, and specific data regarding a current, former, or retired member shall not be released for publication, except that:
1. ~~[unless authorized by]~~ The **member or recipient may authorize the release of his or her account information;** however,]
 2. **Kentucky Retirement Systems**~~[The system]~~ may release account information to the employer or to other state and federal agencies as it deems necessary or in response to a lawful subpoena or order issued by a court of law; **or**
 2. **a. Upon request by any person, the systems shall release the following information from the accounts of any member or retired member of the Kentucky Employees Retirement System, the County Employees Retirement System, or the State Police Retirement System, if the member or retired member was a current or former officeholder in the Kentucky General Assembly:**
 - i. **The first and last name of the member or retired member;**
 - ii. **The system or systems in which the member has an account or from which the retired member is receiving a monthly retirement allowance;**
 - iii. **The status of the member or retired member, including but not limited to whether he or she is a contributing member, a member who is not currently contributing to the systems but has not retired, a retired member, or a retired member who has returned to work following retirement with an agency participating in the systems;**
 - iv. **If the individual is a retired member, the monthly retirement allowance that he or she was receiving at the end of the most recently completed fiscal year;**
 - v. **If the individual is a member who has not yet retired, the estimated monthly retirement allowance that he or she is eligible to receive at his or her normal retirement date based upon his or her service credit, final compensation, and accumulated account balance at the end of the most recently completed fiscal year; and**
 - vi. **The current employer or last participating employer of the member or retired member, if applicable.**
 - b. No information shall be disclosed under this subparagraph from an account that is paying benefits to a beneficiary due to the death of a member or retired member.**
- (b) ~~A[The]~~ current, former, or retired member's account shall be exempt from the provisions of KRS 171.410 to 171.990.
- (c) The release of information under paragraph (a)3. of this subsection shall not constitute a violation of the Open Records Act, KRS 61.870 to 61.884.**
- (2)(a) When a subpoena is served upon any employee of the Kentucky Retirement Systems, requiring production of any specific data regarding a current, former, or retired member, it is sufficient if the employee of the Kentucky Retirement Systems charged with the responsibility of being custodian of the original delivers within five (5) working days, by certified mail or by personal delivery, legible and durable copies of records, certified by the employee, or an affidavit stating the information required by the subpoena to the person specified in the subpoena. The production of documents or an affidavit shall be in lieu of any personal testimony of any employee of the Kentucky Retirement Systems unless, after the production of documents or affidavit, a separate subpoena is served upon the systems specifically directing the testimony of an employee of the systems. When a subpoena is served on any employee of the systems requiring the employee to give deposition for any purpose, in the absence of a court order requiring the deposition of a specific employee, the systems may designate an employee to be deposed upon the matter referred to in the subpoena.
- (b)~~[(3)]~~ The certification **required by this subsection** shall be signed before a notary public by the employee and shall include the full name of the member **or recipient**, the member's **or recipient's** Social Security number, and a legend substantially to the following effect: "The records are true and complete

reproductions of the original or microfiche records which are housed in the retirement systems office. This certification is given in lieu of his or her personal appearance."

EDITED – REMAINDER RELATES TO KENTUCKY TEACHERS' RETIREMENT SYSTEMS AND THE JUDICIAL FORM RETIREMENT SYSTEM

Section 4. Whereas ensuring the public disclosure of the state retirement information relating to any current or former officeholder of the General Assembly is important to the taxpayers of the Commonwealth of Kentucky, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming law.

SENATE BILL 32 DRUG CONVICTION DATA

Section 1. KRS 218A.202 is amended to read as follows:

(1) The Cabinet for Health and Family Services shall establish an electronic system for monitoring Schedules II, III, IV, and V controlled substances that are dispensed within the Commonwealth by a practitioner or pharmacist or dispensed to an address within the Commonwealth by a pharmacy that has obtained a license, permit, or other authorization to operate from the Kentucky Board of Pharmacy.

EDITED

(19) Before July 1, 2018, the Administrative Office of the Courts shall forward data regarding any felony or Class A misdemeanor conviction that involves the trafficking or possession of a controlled substance or other prohibited acts under KRS Chapter 218A for the previous five (5) calendar years to the cabinet for inclusion in the electronic monitoring system established under this section. On or after July 1, 2018, such data shall be forwarded by the Administrative Office of the Courts to the cabinet on a continuing basis. The cabinet shall incorporate the data received into the system so that a query by patient name indicates any prior drug conviction.

SENATE BILL 42 ASSAULT

Section 1. KRS 431.005 is amended to read as follows:

(1) A peace officer may make an arrest:

EDITED

(f) Without a warrant when a violation of KRS 508.030 has occurred in [~~the emergency room of~~] a hospital without the officer's presence if the officer has probable cause to believe that the person being arrested has violated KRS 508.030. **As used in this paragraph, "hospital" includes any property owned or used by a hospital as a parking lot or parking garage.** [~~For the purposes of this paragraph, "emergency room" means that portion of a licensed hospital which has the primary purpose of providing emergency medical care, twenty four (24) hours per day, seven (7) days per week, and three hundred sixty five (365) days per year].~~

Section 2. KRS 431.015 is amended to read as follows:

(1) (a) KRS 431.005 to the contrary notwithstanding, and except as provided in paragraphs (b), (c), and (d) of this subsection, a peace officer shall issue a citation instead of making an arrest for a misdemeanor committed in his or her presence, if there are reasonable grounds to believe that the person being cited will appear to answer the charge. The citation shall provide that the defendant shall appear within a designated time.

(b) A peace officer may make an arrest instead of issuing a citation for a misdemeanor committed in his or her presence if the misdemeanor is:

1. A violation of KRS Chapter 508, 510, or 527, or KRS 189A.010, 511.050, 511.085, 514.110, or 523.110;
2. An offense in which the defendant poses a risk of danger to himself, herself, or another person; or
3. An offense in which the defendant refuses to follow the peace officer's reasonable instructions.

(c) A peace officer shall make an arrest for violations of protective orders issued pursuant to KRS 403.715 to 403.785 or an order of protection as defined in KRS 456.010.

(d) A peace officer may make an arrest or may issue a citation for a violation of KRS 508.030 which occurs in [the emergency room of] a hospital pursuant to KRS 431.005(1)(f).

SENATE BILL 73 AUTOCYCLES

Section 1. KRS 186.010 is amended to read as follows:

EDITED

(15) "Motorcycle" means any motor driven vehicle having a seat or saddle for the use of the operator and designed to travel on not more than three (3) wheels in contact with the ground, including vehicles on which the operator and passengers ride in an enclosed cab. ***For purposes of registration, "motorcycle" shall include an alternative-speed motorcycle and an autocycle as defined in this section, but shall not include a tractor or a moped as defined in this section.***

EDITED

(17) "Alternative-speed motorcycle" means a motorcycle that:

(a) Is self-propelled using an electric motor~~[, combustion-driven motor, or a combination thereof];~~

(b) Is three (3) wheeled;

(c) Has a fully enclosed cab and includes at least one (1) door for entry; ~~and~~

(d) Is designed to operate at a speed not to exceed forty (40) miles per hour as certified by the manufacturer;

and

(e) Is not an autocycle as defined in this section.

EDITED

19) "Autocycle" means any motor vehicle that:

(a) Is equipped with a seat that does not require the operator to straddle or sit astride it;

(b) Is designed to travel on three (3) wheels in contact with the ground;

(c) Is designed to operate at a speed that exceeds forty (40) miles per hour as certified by the manufacturer;

(d) Allows the operator and passenger to ride either side-by-side or in tandem in a seating area that may be enclosed with a removable or fixed top;

(e) Is equipped with a three (3) point safety belt system;

(f) May be equipped with manufacturer-installed air bags or a roll cage;

(g) Is designed to be controlled with a steering wheel and pedals; and

(h) Is not an alternative-speed motorcycle as defined in this section.

A NEW SECTION OF KRS CHAPTER 189 IS CREATED TO READ AS FOLLOWS:

(1) As used in this section, "autocycle" has the same meaning as in Section 1 of this Act.

(2) (a) A person may operate an autocycle on a highway if the operator has a valid operator's license in his or her possession.

(b) An operator of an autocycle shall not be required to obtain a motorcycle license or endorsement.

(3) An autocycle operating on a highway shall be insured in compliance with KRS 10 304.39-110 by the owner or operator, and the proof of insurance shall be inside the vehicle at all times of operation on a highway.

(4) An autocycle operating on a highway is considered to be a motorcycle as defined in Section 1 of this Act and shall be titled in accordance with KRS Chapter 186A and registered as a motorcycle in accordance with KRS 186.050(2).

(5) A person operating an autocycle on a highway shall comply with the traffic regulations of KRS Chapter 189 and shall be subject to the provisions of KRS Chapter 189A.

(6) An operator of an autocycle shall be exempt from the protective headgear requirements of KRS 189.285.

INTERVENING SECTIONS RELATE TO TRANSPORTATION

Section 5. KRS 189.635 is amended to read as follows:

(1) The Justice and Public Safety Cabinet, Department of Kentucky State Police, be responsible for maintaining a reporting system for all vehicle accidents which occur within the Commonwealth. Such accident reports shall be utilized for such purposes as will improve the traffic safety program in the Commonwealth involving the collection, processing, storing, and dissemination of such data and the establishment of procedures by administrative regulations to insure that uniform definitions, classifications, and other federal requirements are in compliance.

EDITED

Section 5. KRS 189.635 is amended to read as follows:

(1) The Justice and Public Safety Cabinet, Department of Kentucky State Police, shall be responsible for maintaining a reporting system for all vehicle accidents which occur within the Commonwealth. Such accident reports shall be utilized for such purposes as will improve the traffic safety program in the Commonwealth involving the collection, processing, storing, and dissemination of such data and the establishment of procedures by administrative regulations to insure that uniform definitions, classifications, and other federal requirements are in compliance.

SENATE BILL 120 CORRECTIONS

NOTE: This is a lengthy bill, much of which deals with Corrections and Probation/Parole issues. Only those sections of direct interest to law enforcement are included in this summary. Please refer to full bill for additional details.

EDITED

Section 4. KRS 534.020 is amended to read as follows:

(1) When a defendant is sentenced to pay ~~court costs, fees, or fines~~[a fine], the court may provide for payment to be made within a specified period of time or in specified installments. If no such provision is made a part of the sentence, then the ~~court costs, fees, or fines~~[fine] shall be payable forthwith.

(2) ~~If the court establishes an installment payment plan for a defendant to pay the full amount of court costs, fees, or fines:~~

(a) The defendant shall be given notice of the total amount due, the payment frequency, and the date by which all payments must be made. The notice shall indicate that if the defendant has not complied with the installment payment plan by the scheduled date, he or she shall appear on that date to show good cause as to why he or she is unable to satisfy the obligations. This notice shall be given to the defendant in writing on a form provided by the Administrative Office of the Courts;

(b) Except as provided in subsection (3) of this section, all court costs, fees, and fines shall be paid within one (1) year of the date of sentencing notwithstanding any remaining restitution or other monetary penalty owed by the defendant and arising out of the conviction; and

(c) Installment payments shall be applied first to court costs, then to restitution, then to fees, and then to fines.

(3) (a) If a defendant is required to appear at a show cause hearing pursuant to subsection (2)(a) of this section, the court shall determine whether the defendant's default in payment of court costs, fees, or fines is:

1. Excusable due to an inability to pay, and if so, the court may enter an order allowing additional time for payment, reducing the amount of each installment, or modifying the manner of payment in any other way; or

2. Willful and not due to an inability to pay, and if so, the court may order the defendant to jail on the condition that the defendant shall be released upon payment or completion of daily credit pursuant to Section 6 of this Act.

(b) If the defendant fails to appear at the show cause hearing, the court may issue a warrant for the defendant's arrest. Any warrant for arrest issued for nonpayment of court costs, fees, or fines

pursuant to this subsection shall include a notice to the jailer that the defendant shall be released upon payment or completion of daily credit pursuant to Section 6 of this Act.

EDITED

SECTION 25. A NEW SECTION OF KRS CHAPTER 15 IS CREATED TO READ AS FOLLOWS:

(1) A law enforcement agency may create a program to refer persons to treatment for substance use who voluntarily seek assistance from the law enforcement agency.

(2) A person voluntarily seeking assistance through a program created pursuant to this section:

(a) Shall not be placed under arrest;

(b) Shall not be prosecuted for the possession of any controlled substance, paraphernalia, or other item surrendered to the law enforcement agency. Items surrendered pursuant to this paragraph shall be recorded by the law enforcement agency at the time of surrender and shall be destroyed;

(c) Shall be paired immediately with a volunteer mentor to assist his or her recovery; and

(d) Shall be immediately referred to a community mental health center, medical provider, or other entity for substance use treatment.

(3) A person is ineligible for placement through a program established pursuant to this section if the person:

(a) Has an outstanding arrest warrant;

(b) Has been convicted of three (3) or more drug-related offenses; or

(c) Is under the age of eighteen (18) and does not have the consent of a parent or guardian.

(4) Programs created pursuant to this section may be called an Angel Initiative Program.

EDITED

Section 31. KRS 335B.030 is amended to read as follows:

(1) (a) If a hiring or licensing authority denies an individual a position of public employment[or disqualifies the individual from pursuing, practicing, or engaging in any occupation for which a license is required,] solely because of the individual's prior conviction of a crime, the hiring or licensing authority shall notify the individual in writing of the following:

1.[(a)] The grounds and reasons for the denial or disqualification;

2.[(b)] That the individual has the right to a hearing conducted in accordance with KRS Chapter 13B, if written request for hearing is made within ten (10) days after service of notice;

3.[(e)] The earliest date the person may reapply for a position of public employment or a license; and 4.[(d)] That evidence of rehabilitation may be considered upon reapplication.

(b)[(2)] Any party aggrieved by a final order issued by a hiring or licensing authority after a hearing under this subsection may appeal to Franklin Circuit Court in accordance with KRS Chapter 13B.

(2) (a) Except as provided in paragraph (b) of this subsection, a hiring or licensing authority shall not disqualify an individual from pursuing, practicing, or engaging in any occupation for which a license is required solely because of the individual's prior conviction of a crime, unless the authority provides the individual with a written notice that the authority has determined that the prior conviction may disqualify the person, demonstrates the connection between the prior conviction and the license being sought, and affords the individual an opportunity to be personally heard before the board prior to the board making a decision on whether to disqualify the individual. If the license is denied after the person was heard, the hiring or licensing authority shall notify the individual in writing of the following:

1. The grounds and reasons for the denial or disqualification;

2. That the individual has the right to a hearing conducted in accordance with KRS Chapter 13B, if a written request for hearing is made within ten (10) days after service of notice;

3. The earliest date the person may reapply for a license; and

4. That evidence of rehabilitation may be considered upon reapplication.

(b) If an individual's prior conviction was for a Class A felony, a Class B felony, or any felony offense that would qualify the individual as a registrant pursuant to KRS 17.500, there shall be a rebuttable presumption that a connection exists between the prior conviction and the license being sought.

(c) Any party aggrieved by a final order issued by a hiring or licensing authority after a hearing under this subsection may appeal to Franklin Circuit Court in accordance with KRS Chapter 13B.
(3) Except as provided in subsection (2)(b) of this section, in any administrative hearing or civil litigation authorized under this section, the hiring or licensing authority shall carry the burden of proof on the question of whether the prior conviction directly relates to the position of employment sought or the occupation for which the license is sought.

Section 32. KRS 335B.060 is repealed, reenacted, and amended to read as follows:

Except for peace officers and other law enforcement personnel and unless preempted by federal law, the provisions of KRS 335B.020 to 335B.070 shall prevail over any other laws, rules and regulations which purport to govern the granting, denial, renewal, suspension, or revocation of a license or the initiation, suspension, or termination of public employment on the grounds of conviction of a crime or crimes.

Section 33. The following KRS section is repealed:

335B.040 Denial of license on ground of absence of good moral character.

EDITED

SENATE BILL176 MILITARY SURPLUS VEHICLES

SECTION 1. A NEW SECTION OF KRS CHAPTER 186A IS CREATED TO READ AS FOLLOWS:

(1) As used in this section, "military surplus vehicle" has the same meaning as in Section 3 of this Act.

(2) A person who has purchased a military surplus vehicle shall be issued a certificate of title after complying with the provisions of this section.

(3) An owner of a military surplus vehicle that does not have a vehicle identification number shall, prior to applying for a certificate of title, apply to the Transportation Cabinet for a vehicle identification number under KRS 186A.090.

(4) When applying for a certificate of title for a military surplus vehicle, the owner shall apply in the office of the county clerk of the county in which he or she resides and provide the clerk with the following:

(a) Proof of insurance to comply with KRS 304.39-080;

(b) Proof that the military surplus vehicle has passed an inspection in accordance with Section 2 of this Act; and

(c) Any other information that may be required by the Transportation Cabinet in an administrative regulation promulgated under KRS Chapter 13A.

(5) The Transportation Cabinet shall promulgate administrative regulations pursuant to KRS Chapter 13A to implement this section.

EDITED

Section 2. KRS 186A.115 is amended to read as follows:

(1) (a) Except as otherwise provided in this section, the owner of every vehicle brought into this state and required to be titled in this state shall, before submitting his or her application for title to the county clerk, have the vehicle together with his or her application for title and its supporting documents inspected by a certified inspector in the county in which the application for title is to be submitted to the county clerk.

(b) An owner of a military surplus vehicle seeking title in this state shall, before submitting his or her application for title to the county clerk, have the vehicle together with his or her application for title and its supporting documents inspected by a certified inspector in the county in which the application for title is to be submitted to the county clerk.

(2) For inspections under this section:

(a) The certified inspector shall be certified through the Department of Vehicle Regulation following requirements set forth by the department by regulation and shall be designated by the county sheriff. The certified inspector will be held responsible for all certifications required pursuant to this chapter and will be

liable for any and all penalties prescribed in this chapter, and shall be available during regular office hours at any and all offices and branches that issue applications for titles;[-]

(b) There shall be a five dollar (\$5) fee for this certification, payable to the sheriff's office, upon completion of certification;[.]

(c) There shall be an additional fee of ten dollars (\$10) per trip when it becomes necessary for the certified inspector to travel to the site of the vehicle rather than bringing the vehicle to the sheriff's inspection area; and[-]

(d) An inspection conducted in one (1) county within the Commonwealth of Kentucky under this subsection, and the fees paid for that inspection under this subsection, shall be honored by the certified inspector, sheriff, and county clerk in all other counties within this state. A second inspection shall not be required and additional fees shall not be required.

(3) The Transportation Cabinet may require that modifications be made to a military surplus vehicle. Any modifications required by the cabinet under this section shall be made to the military surplus vehicle prior to its inspection.

(4) The Transportation Cabinet shall promulgate administrative regulations pursuant to KRS Chapter 13A to implement the provisions of subsections (1)(b) and (3) of this section, including but not limited to vehicle modification requirements and the creation of a separate inspection form. The Transportation Cabinet shall note that military vehicles were originally manufactured under the federally mandated requirements set forth in 49 C.F.R. sec. 571.7 and shall only require these vehicles to meet applicable federal motor vehicle safety standards.

Section 3. KRS 186.010 is amended to read as follows:

(19) "Military surplus vehicle" means a multipurpose wheeled surplus military vehicle that:

(a) Is not operated using continuous tracks;

(b) Was originally manufactured for and sold directly to the Armed Forces of the United States; and

(c) Was originally manufactured under the federally mandated requirements set forth in 49 C.F.R. sec. 571.7.

SENATE BILL 189 OPERATOR' LICENSES (DEAF/ HARD OF HEARING)

SECTION 1. A NEW SECTION OF KRS 186.020 TO 186.270 IS CREATED 4 TO READ AS FOLLOWS:

(1) At the time of initial application for registration or application for renewal, the owner or lessee of a motor vehicle may inform the county clerk that he or she, or someone who may be operating the vehicle, is deaf or hard of hearing and request that information be included in the Kentucky vehicle registration system database to assist law enforcement in identifying the operator of the vehicle as possibly being deaf or hard of hearing.

(2) (a) The deaf or hard of hearing protection trust fund is created as a separate trust fund in the State Treasury. The trust fund shall consist of any proceeds from gifts, grants, contributions, appropriations, or other moneys made available for the purposes of the trust fund.

(b) The fund shall be administered by the Kentucky Commission on the Deaf or Hard of Hearing.

(c) Notwithstanding KRS 45.229, trust fund amounts not expended at the close of a fiscal year shall not lapse but shall be carried forward to the next fiscal year.

(d) Any interest earnings of the trust fund shall become part of the trust fund and shall not lapse.

(e) Trust fund moneys deposited in this fund shall only be used to:

1. Reimburse the Transportation Cabinet for the cost of including information that someone is deaf or hard of hearing in the Kentucky vehicle registration system database;

2. Support other actions to protect the safety and welfare of persons who are deaf or hard of hearing; and 3. Educate the public and the deaf and hard of hearing community on issues confronting the deaf and hard of hearing.

SENATE BILL 195 JUVENILE EXPUNGEMENT

Section 1. KRS 610.330 is amended to read as follows:

(1) **(a)** Any child who has been adjudicated as coming within the purview of KRS Chapters 630, 635[~~(with regard to status offenses, misdemeanors, or violations only)~~], or 645, but not KRS Chapters 620 or 640, may petition the court for the expungement of **offenses from** his or her juvenile court record[, except for

adjudications involving guilt of an offense which would have been a felony if the offense was committed by an adult]. He or she shall be informed of such right at the time of adjudication.

(b) The court on its own motion, or on the motion of a probation officer of the court, a representative of the Department of Juvenile Justice or the cabinet, or any other interested person, may initiate expungement proceedings concerning the record of any child who has been under the jurisdiction of the court.

(c) Expungement shall not be granted if:

1. There are any proceedings pending or being instituted against the child;

2. The offense is a sex crime, as defined in KRS 17.500; or

3. The offense would classify a person as a violent offender under KRS 20 439.3401.

(2) A petition may seek the expungement from the juvenile court record of:

(a) Misdemeanors, violations, or status offenses;

(b) A single felony; or

(c) A series of felonies arising from a single incident.

(3) The petition shall be filed or the court order entered no sooner than two (2) years after the date of termination of the court's jurisdiction over the person, or two (2) years after his or her unconditional release from commitment to the Department of Juvenile Justice or the Cabinet for Health and Family Services or a public or private agency, except that the two (2) year period may be waived if the court finds that such extraordinary circumstances exist with regard to the petitioner as to make the waiver advisable.

(4) [(2)] Upon the filing of a petition or entering of a court order, the court shall set a date for a hearing and shall notify the county attorney and anyone else whom the court or the child, his or her parents, relatives, guardian, or custodian has reason to believe may have relevant information related to the expungement of the record.

(5) [(3)] The court ~~may~~[shall] order the adjudication vacated and [sealed] all records expunged in the petitioner's case in the custody of the court and any of these records in the custody of any other agency or official, including law enforcement and public or private elementary and secondary school records, unless[if] at the hearing the county attorney establishes[court finds] that the child or offense is ineligible for expungement under subsections (1) to (4) of this section:

(a) Since the termination of the court's jurisdiction or his unconditional release from commitment to the Department of Juvenile Justice, the cabinet, or a public or private agency, the person whose record is in question has not been convicted of a felony, and has not been adjudicated under KRS 610.010(1); and

(b) No proceeding concerning a felony and no petition under KRS 610.010(1) is pending or being instituted against him.

(6) [(4)] Upon the entry of an order to expunge[seal] the records, the proceedings in the case shall be deemed never to have occurred and all index references shall be deleted and the person and court may properly reply that no record exists with respect to such person upon any inquiry in the matter. The person whose record is expunged shall not have to disclose the fact of the record or any matter relating thereto on an application for employment, credit, or other type of application

(7) If a court dismisses a petition against a child or finds a child not delinquent in a juvenile proceeding, the court shall concurrently order the record of the proceeding expunged. The order expunging the proceedings shall not require any action by the child.

(8) [(5)] Copies of the order shall be sent to each agency or official named therein.

(9) [(6)] Inspection of the records included in the order may thereafter be permitted by the court only upon petition by the person who is the subject of such records, and only to those persons named in such petition.

SENATE BILL 224 CIVIL LITIGATION / SEXUAL ABUSE

SECTION 1. A NEW SECTION OF KRS CHAPTER 413 IS CREATED TO READ AS FOLLOWS:

(1) As used in this section, "injury or illness" means either a physical or psychological injury or illness.

(2) A civil action for recovery of damages for an injury or illness suffered as a result of an act or series of acts against a person eighteen (18) years old or older that meets the criteria of KRS 510.040, 510.050, 510.060, 510.070, 510.080, 510.090, 510.110, 510.120, 510.130, 510.140, 510.150, 529.100 where the offense involves commercial sexual activity, 529.110 where the offense involves commercial sexual activity, 530.020, 531.090, or 531.100, shall be brought before whichever of the following periods last expires:

(a) Within five (5) years of the act or the last of a series of acts by the same perpetrator;

(b) Within five (5) years of the date the victim knew, or should have known, of the act; (c) Within five (5) years upon knowledge or identity of the perpetrator; or (d) Within five (5) years of the conviction of a civil defendant for KRS 510.040, 510.050, 510.060, 510.070, 510.080, 510.090, 510.110, 510.120, 510.130, 510.140, 510.150, 529.100 where the offense involves commercial sexual activity, 529.110 where the offense involves commercial sexual activity, 530.020, 531.090, or 531.100.

(3) No prior criminal prosecution or conviction of the civil defendant for the act or series of acts shall be required to bring a civil action under this section for redress of an injury or illness.

Section 2. KRS 413.249 is amended to read as follows:

(1) As used in this section:

(a) "Childhood sexual assault" means an act or series of acts against a person less than eighteen (18) years old and which meets the criteria defining a felony in KRS 510.040, 510.050, 510.060, 510.070, 510.080, 510.090, 510.110, 529.100 where the offense involves commercial sexual activity, 529.110 where the offense involves commercial sexual activity, 530.020, 530.064, 531.310, or 531.320. No prior criminal prosecution or conviction of the civil defendant for the act or series of acts shall be required to bring a civil action for redress of childhood sexual assault;

(b) "Childhood sexual abuse" means an act or series of acts against a person less than eighteen (18) years old and which meets the criteria defining a misdemeanor in KRS 510.120, KRS 510.130, KRS 510.140, or KRS 510.150. No prior criminal prosecution or conviction of the civil defendant for the act or series of acts shall be required to bring a civil action for redress of childhood sexual abuse; (c) "Child" means a person less than eighteen (18) years old; and (d) "Injury or illness" means either a physical or psychological injury or illness. (2) A civil action for recovery of damages for injury or illness suffered as a result of childhood sexual abuse or childhood sexual assault shall be brought before whichever of the following periods last expires:

(a) Within **ten (10)**~~five (5)~~ years of the commission of the act or the last of a series of acts by the same perpetrator;

(b) Within **ten (10)**~~five (5)~~ years of the date the victim knew, or should have known, of the act; [or]

(c) Within **ten (10)**~~five (5)~~ years after the victim attains the age of eighteen (18) years; **or**

(d) Within ten (10) years of the conviction of a civil defendant for an offense included in the definition of childhood sexual abuse or childhood sexual assault. (3) If a complaint is filed alleging that an act of childhood sexual assault or childhood sexual abuse occurred more than **ten (10)**~~five (5)~~ years prior to the date that the action is commenced, the complaint shall be accompanied by a motion to seal the record and the complaint shall immediately be sealed by the clerk of the court. The complaint shall remain sealed until:

(a) The court rules upon the motion to seal; (b) Any motion to dismiss under CR 12.02 is ruled upon, and if the complaint is dismissed, the complaint and any related papers or pleadings shall remain sealed unless opened by a higher court; or

(c) The defendant files an answer and a motion to seal the record upon grounds that a valid factual defense exists, to be raised in a motion for summary judgment pursuant to CR 56. The record shall remain sealed by the clerk until the court rules upon the defendant's motion to close the record. If the court grants the motion to close, the record shall remain sealed until the defendant's motion for summary judgment is granted. The complaint, motions, and other related papers or pleadings shall remain sealed unless opened by a higher court.

HOUSE

EMERGENCY
HOUSE BILL 1

RIGHT TO WORK

SIGNED INTO LAW AND EFFECTIVE AS OF JANUARY 9, 2017

Section 1. KRS 336.130 is amended to read as follows:

(1) Employees may, free from restraint or coercion by the employers or their agents, associate collectively for self-organization and designate collectively representatives of their own choosing to negotiate the terms and conditions of their employment to effectively promote their own rights and general welfare. Employees, collectively and individually, may strike, engage in peaceful picketing, and assemble collectively for peaceful purposes, except that no public employee, collectively or individually, may engage in a strike or a work stoppage. Nothing in Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12 of this Act shall be construed as altering, amending, granting, or removing the rights of public employees to associate collectively for self-organization and designate collectively representatives of their own choosing to negotiate the terms and conditions of their employment to effectively promote their own rights and general welfare.

(2) Neither employers or their agents nor employees or associations, organizations or groups of employees shall engage or be permitted to engage in unfair or illegal acts or practices or resort to violence, intimidation, threats or coercion.

(3) (a) Notwithstanding subsection (1) of this section or any provision of the Kentucky Revised Statutes to the contrary, no employee shall be required, as a condition of employment or continuation of employment, to:

1. Become or remain a member of a labor organization;

2. Pay any dues, fees, assessments, or other similar charges of any kind or amount to a labor organization; or

3. Pay to any charity or other third party, in lieu of these payments, any amount equivalent to or pro rata portion of dues, fees, assessments, or other charges required of a labor organization.

2(b) As used in this subsection, the term "employee" means any person employed by or suffered or permitted to work for a public or private employer.

(4) The secretary of the Labor Cabinet or his or her representative shall investigate complaints of violations or threatened violations of subsection (3) of this section and may initiate enforcement of a criminal penalty by causing a complaint to be filed with the appropriate local prosecutor and ensure effective enforcement.

(5) Except in instances where violence, personal injury, or damage to property have occurred and such occurrence is supported by an affidavit setting forth the facts and circumstances surrounding such incidents, the employees and their agents shall not be restrained or enjoined from exercising the rights granted them in subsection (1) of this section without a hearing first being held, unless the employees or their agents are engaged in a strike in violation of a "no strike" clause in their labor contract.

(6) [(4)] Submission of a false affidavit concerning violence, personal injury, or damage to property shall constitute a violation of KRS 523.030. In the absence of any such affidavit alleging violence, personal injury, or damage injunctions shall be issued only by a Circuit Judge or other justice or judge acting as a Circuit Judge pursuant to law.

Section 2. KRS 336.180 is amended to read as follows:

As used in this chapter [KRS 336.190 and 336.200], unless the context requires otherwise: [.]

(1) The term "labor organization" means any organization of any kind, or any agency or employee representation committee, association or union [plan, in which employees participate and] which exists for the purpose, in whole or in part, of dealing with employers concerning [grievances, labor disputes, wages, rates of pay, hours of employment or conditions of work, or other forms of compensation]. [.]

(2) The term "employer" means all persons, firms, associations, corporations, public employers, public school employers, and public colleges, universities, institutions, and education agencies; and

(3) The term "public employee" means an employee of a "public agency" as that term is defined in KRS 61.870(1).

Section 3. KRS 336.990 is amended to read as follows:

- (1) Upon proof that any person employed by the Labor Cabinet as a labor inspector has taken any part in any strike, lockout or similar labor dispute, the person shall forfeit his or her office.
- (2) The following civil penalties shall be imposed, in accordance with the provisions in KRS 336.985, for violations of the provisions of this chapter:
 - (a) Any person who violates KRS 336.110 or **Section 1 of this Act** shall for each offense be assessed a civil penalty of not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000);
 - (b) Any corporation, association, organization, or person that violates KRS 336.190 and 336.200 shall be assessed a civil penalty of not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000) for each offense. Each act of violation, and each day during which such an agreement remains in effect, shall constitute a separate offense; and
 - (c) Any employer who violates the provisions of KRS 336.220 shall be assessed a civil penalty of not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000) for each violation.
- (3) **Any labor organization, employer, or other person who directly or indirectly violates subsection (3) of Section 1 of this Act shall be guilty of a Class A misdemeanor.**
- (4) **Any person aggrieved as a result of any violation or threatened violation subsection (3) of Section 1 of this Act may seek abatement of the violation or threatened violation by petitioning a court of competent jurisdiction for injunctive relief and shall be entitled to costs and reasonable attorney fees if he or she prevails in the action.**
- (5) **Any person injured as a result of any violation or threatened violation of subsection (3) of Section 1 of this Act may recover all damages resulting from the violation or threatened violation and shall be entitled to costs and reasonable attorney fees if he or she prevails in the action.**

SECTION 4. A NEW SECTION OF KRS CHAPTER 336 IS CREATED TO READ AS FOLLOWS:

Any agreement, understanding, or practice, written or oral, implied or expressed, between any labor organization and employer which violates an employee's rights as set forth in subsection (3) of Section 1 of this Act shall be unlawful and void, except that subsection (3) of Section 1 of this Act shall not apply to:

- (1) Employers and employees covered by the Federal Railway Labor Act;**
- (2) Federal employers and employees;**
- (3) Employers and employees on exclusive federal enclaves;**
- (4) Employers and employees where it would conflict or be preempted by federal law;**
- (5) Any agreement between employers and employees or labor organization entered into before the effective date of this Act, but the provisions of subsection (3) of Section 1 of this Act shall apply to any new contract or an extension or renewal of any existing agreement entered into on or after the effective date of this Act.**

SECTION 5. A NEW SECTION OF KRS CHAPTER 336 IS CREATED TO READ AS FOLLOWS:

A public employer or a labor organization representing public employees shall not deduct membership dues of an employee organization, association, or union from the wages, earnings, or compensation of a public employee without the express written consent of the public employee. This consent shall be made prior to any deductions being made and may be revoked by the public employee at any time by written notice to the employer.

SECTION 6. A NEW SECTION OF KRS CHAPTER 65 IS CREATED TO READ AS FOLLOWS:

The legislative body of any city, county, consolidated local government, urban-county government, charter county government, or unified local government shall not have the authority to adopt or enforce any ordinance, policy, or resolution that is in conflict with Section 1 of this Act.

Section 7. KRS 67A.6904 is amended to read as follows:

- (1) Except as provided in Section 1 of this Act,** urban-county governments and their representatives and agents are prohibited from:
 - (a) Interfering, restraining, or coercing police officers, firefighter personnel, firefighters, or corrections personnel in the exercise of the rights guaranteed in KRS 67A.6902;
 - (b) Dominating or interfering with the formation, existence, or administration of any labor organization;

(c) Discriminating in regard to hiring or tenure of employment or any term or condition of employment to encourage or discourage membership in any labor organization~~]; provided that nothing in this section, or in any other statute of this state, shall preclude an urban-county government from making an agreement with a labor organization to require as a condition of employment membership therein on or after the thirtieth day following the beginning of that employment or on the effective date of the agreement, whichever is the later];~~

EDITED

Section 8. KRS 67C.406 is amended to read as follows:

- (1) **Except as provided in Section 1 of this Act**, consolidated local governments, their representatives, or their agents are prohibited from: (a) Interfering, restraining, or coercing police officers in the exercise of the rights 2 guaranteed in KRS 67C.402;
- (b) Dominating or interfering with the formation, existence, or administration of any labor organization;
- (c) Discriminating in regard to hiring or tenure of employment or any term or condition of employment to encourage or discourage membership in any labor organization~~]; provided that nothing in this section, or in any other statute of this state, shall preclude a consolidated local government from making an agreement with a labor organization to require as a condition of employment membership therein on or after the thirtieth day following the beginning of that employment or on the effective date of the agreement, whichever is the later];~~
- (d) Discharging or otherwise discriminating against an employee because he or she has signed or filed any affidavit, petition, or complaint or given any information or testimony under this section; or
- (e) Refusing to bargain collectively in good faith with a labor organization which is the exclusive representative of employees in an appropriate unit, including but not limited to the discussing of grievances with the exclusive representative.

EDITED

Section 9. KRS 70.262 is amended to read as follows:

- (1) **Except as provided in Section 1 of this Act**, in any county containing a consolidated local government or city of the first class that has adopted a merit system under KRS 70.260 to 70.273, deputies subject to the merit system may organize, form, join, or participate in organizations in order to engage in lawful concerted activities for the purpose of collective bargaining or other mutual aid and protection, and to bargain collectively through a representative of their own free choice. Deputies shall also have the right to refrain from any or all of these activities but shall be subject to the lawful provisions of any collective bargaining agreement entered into under this section. Strikes by deputies of any collective bargaining unit shall be prohibited at any time.
- (2) **Except as provided in Section 1 of this Act**, in any county containing a consolidated local government or city of the first class that has adopted a merit system under KRS 70.260 to 70.273, the sheriff shall contract with a representative of the deputies described in subsection (1) of this section employed by the sheriff where the representative has established representation of a majority of the deputies, with respect to wages, hours, and terms and conditions of employment, including execution of a written contract incorporating any agreement reached between the sheriff and the representative. The sheriff shall not be required to bargain over matters of inherent managerial policy.

Section 10. KRS 78.470 is amended to read as follows:

Except as provided in Section 1 of this Act, in any county in the Commonwealth of Kentucky, which has a population of 300,000 or more and which has adopted the merit system, the county employees in the classified service as police may organize, form, join or participate in organizations in order to engage in lawful concerted activities for the purpose of collective bargaining or other mutual aid and protection, and to bargain collectively through representatives of their own free choice. Such employees shall also have the right to refrain from any or all such activities. Strikes by said members of any such collective bargaining unit shall be prohibited at any time.

Section 11. KRS 78.480 is amended to read as follows:

Except as provided in Section 1 of this Act, in any county in the Commonwealth of Kentucky which has

a population of 300,000 or more and which has adopted the merit system for its police force, the fiscal court may contract with representatives of the police employed by said county with respect to wages, hours, terms and conditions of employment, including execution of a written contract incorporating any agreement reached between the fiscal court and representatives of the police. The fiscal court shall not be required to bargain over matters of inherent managerial policy.

Section 12. KRS 345.050 is amended to read as follows:

(1) **Except as provided in Section 1 of this Act**, public employers, their representatives or their agents are prohibited from:

- (a) Interfering, restraining or coercing firefighters in the exercise of the rights guaranteed in KRS 345.030;
 - (b) Dominating or interfering with the formation, existence or administration of any labor organization;
- Discriminating in regard to hiring or tenure of employment or any term or condition of employment to encourage or discourage membership in any labor organization[; provided, that nothing in this chapter, or in any other statute of this state, shall preclude a public employer from making an agreement with a labor organization to require as a condition of employment membership therein on or after the thirtieth day following the beginning of such employment or on the effective date of such agreement, whichever is the later];

Section 13. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Act that can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

Section 14. Whereas it is critical to the economy and citizens of Kentucky to attract new business and investment into the Commonwealth as soon as possible, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

Section 15. This Act may be cited as the "Kentucky Right to Work Act."

HOUSE BILL 14 HATE CRIMES

Section 1. KRS 532.031 is amended to read as follows:

(1) A person may be found by the sentencing judge to have committed an offense specified below as a result of a hate crime if the person intentionally because of race, color, religion, sexual orientation, or national origin of another individual or group of individuals **or because of a person's actual or perceived employment as a state, city, county, or federal peace officer, member of an organized fire department, or emergency medical services personnel,** violates a provision of any one (1) of the following:

- (a) KRS 508.010, 508.020, 508.025, or 508.030;
- (b) KRS 508.050 or 508.060;
- (c) KRS 508.100 or 508.110;
- (d) KRS 509.020; 15 (e) KRS 510.040, 510.050, 510.060, 510.070, 510.080, 510.090, 510.100, or 510.110;
- (f) KRS 512.020, 512.050, or 512.060;
- (g) KRS 513.020, 513.030, or 513.040; or
- (h) KRS 525.020, 525.050, 525.060, 525.070, or 525.080.

(2) At sentencing, the sentencing judge shall determine if, by a preponderance of the evidence presented at the trial, a hate crime was a primary factor in the commission of the crime by the defendant. If so, the judge shall make a written finding of fact and enter that in the court record and in the judgment rendered against the defendant.

(3) The finding that a hate crime was a primary factor in the commission of the crime by the defendant may be utilized by the sentencing judge as the sole factor for denial of probation, shock probation, conditional discharge, or other form of nonimposition of a sentence of incarceration.

(4) The finding by the sentencing judge that a hate crime was a primary factor in the commission of the crime by the defendant may be utilized by the Parole Board in delaying or denying parole to a defendant.

(5) As used in this section:

(a) "Emergency medical services personnel" has the same meaning as in KRS 311A.010; and
(b) "Member of an organized fire department, or emergency medical services personnel" includes volunteers, if the violation occurs while the volunteer is performing duties with an organized fire department or as emergency medical services personnel.

HOUSE BILL 26 SHERIFFS

Section 1. KRS 70.170 is amended to read as follows:

(1) Each sheriff performing the duties required under the provisions of KRS 70.150~~and 70.160~~ shall be allowed the amount of thirty-six hundred dollars (\$3,600) annually payable out of the State Treasury at the rate of three hundred dollars (\$300) per month for such services. The first such monthly payment shall be for the month of July, 1966, and the check therefor shall be forwarded to the sheriff concerned on or about the last working day of that month and each month thereafter.

(2) The allowance authorized in subsection (1) of this section shall be considered as operating expenses of the sheriff's office and shall not be considered as part of his compensation. Sheriffs shall not be required to keep records verifying the expenditures from the allowance provided by the state.

EDITED

Section 4. The following KRS section is repealed:
70.160 Sheriff to visit and inspect dance halls and roadhouses.

HOUSE BILL 33 SCHOOLS

SECTION 1. A NEW SECTION OF KRS CHAPTER 620 IS CREATED TO READ AS FOLLOWS:

(1) If, as a result of dependency, neglect, or abuse, custody of a child is granted to the cabinet through an emergency, temporary, or permanent court order, the cabinet shall notify the principal, assistant principal, or guidance counselor of the school in which the child is enrolled of the names of persons authorized to contact the child at school, in accordance with school visitation or communication policy, or remove the child from school grounds.

(2) The notification required by this section shall be provided to the school:

(a) Verbally and documented in writing by the principal, assistant principal, or guidance counselor on the day that a court order is entered and again on any day that a change is made with regard to persons authorized to contact or remove the child from school. The verbal notification shall occur on the next school day immediately following the day a court order is entered or a change is made if the court order or change occurs after the end of the current school day; and

(b) By written document within ten (10) calendar days following a change of custody or change in contact or removal authority.

(3) The cabinet's mandate to provide the information required by this section shall cease when the court order under which the cabinet acts is rescinded or otherwise expires.

HOUSE BILL 38 SEX OFFENDERS

Section 1. KRS 17.545 is amended to read as follows:

(1) No registrant, as defined in KRS 17.500, shall reside within one thousand (1,000) feet of a high school, middle school, elementary school, preschool, **publicly owned playground**, or licensed day care facility. The measurement shall be taken in a straight line from the nearest property line of the school to the nearest property line of the registrant's place of residence.

(2) No registrant, as defined in KRS 17.500, nor any person residing outside of Kentucky who would be required to register under KRS 17.510 if the person resided in Kentucky, shall be on the clearly defined grounds of a high school, middle school, elementary school, preschool, **publicly owned playground**, or licensed day care facility, except with the advance written permission of the school principal, the school board, **the local legislative body with jurisdiction over the publicly owned playground**, or the day care director that has been given after full disclosure of the person's status as a registrant or sex offender from another state and all registrant information as required in KRS 17.500. **As used in this subsection, "local legislative body" means the chief governing body of a city, county, urban-county government,**

consolidated local government, charter county government, or unified local government that has legislative powers.

(3) For purposes of this section:

(a) The registrant shall have the duty to ascertain whether any property listed in subsection (1) of this section is within one thousand (1,000) feet of the registrant's residence; and

(b) If a new facility opens, the registrant shall be presumed to know and, within ninety (90) days, shall comply with this section.

(4) Any person who violates subsection (1) of this section shall be guilty of:

(a) A Class A misdemeanor for a first offense; and

(b) A Class D felony for the second and each subsequent offense.

(5) Any registrant residing within one thousand (1,000) feet of a high school, middle school, elementary school, preschool, publicly owned playground, or licensed day care facility on July 12, 2006, shall move and comply with this section within ninety (90) days of July 12, 2006, and thereafter, shall be subject to the penalties set forth under subsection (4) of this section.

(6) This section shall not apply to a youthful offender probated or paroled during his or her minority or while enrolled in an elementary or secondary education program.

HOUSE BILL 67 AUTOPSY RECORDS

SECTION 1. A NEW SECTION OF KRS CHAPTER 72 IS CREATED TO READ AS FOLLOWS:

(1) No autopsy photograph, other visual image in whatever form, video recording, or audio recording shall be open to the public unless the spouse or personal representative of the decedent provides an express waiver to the state medical examiner, coroner, or other public official in lawful possession of those materials to make those materials public. However, the office of the state medical examiner, a coroner, or other public official in lawful possession of an autopsy photograph, other visual image in whatever form, video recording, or audio recording shall make an autopsy photograph, other visual image in whatever form, video recording, or audio recording available to:

(a) The spouse, children, and surviving parents, and the personal representative of the decedent;

(b) A law enforcement agency, any agency or panel required by statute to conduct fatality reviews, county attorney, Commonwealth's attorney, public health officer, or coroner having a bona fide interest in the case;

(c) 1. A beneficiary under an insurance policy, for the purpose of processing a claim related to the decedent's death; or

2. An insurance company, with the written permission of the decedent's spouse or personal representative, for the purpose of processing a claim related to the decedent's death;

(d) An attorney or an attorney's agents in a matter arising out of the decedent's death;

e) A defendant in any criminal case arising out of the decedent's death if the defendant is proceeding pro se in the case;

(f) A physician or other medical professional licensed by the Commonwealth or another state or territory under the jurisdiction of the United States for the purposes of teaching or for publication in a scientific journal or textbook;

(g) A certified law enforcement instructor for the purpose of using the autopsy photograph, other visual image in whatever form, video recording, or audio recording in bona fide law enforcement training;

(h) A county attorney, Commonwealth's attorney, public health officer, or coroner for the purpose of using the autopsy photograph, other visual image in whatever form, video recording, or audio recording in bona fide training;

(i) A licensed attorney for the purpose of using the autopsy photograph, other visual image in whatever form, video recording, or audio recording in a Kentucky continuing legal education program; and

(j) A person disseminating the image as part of an informative, expressive, or artistic work, whether analog or digital, that is:

1. Part of a play, book, magazine, newspaper, audiovisual work, or cable, broadcast, or satellite television program; or

2. Part of a work of art, including but not limited to news or commentary; after a court with jurisdiction as provided in subsection (8)(a) of this section, in a proceeding including parties entitled to notice under subsection (8)(b) of this section, has determined that the autopsy photograph, other visual image in whatever form, video recording, or audio recording is newsworthy or pertains to a matter of public concern or public interest.

(2) (a) Except as provided in paragraph (b) of this subsection, no medical examiner, coroner, or other public official in lawful possession of an autopsy photograph, other visual image in whatever form, video recording, or audio recording shall knowingly release those materials to any person not specifically authorized in subsection (1) of this section.

(b) A medical examiner, coroner, or other public official in lawful possession of an autopsy photograph, other visual image in whatever form, video recording, or audio recording may publish such material in a scientific journal or textbook, or use such material for bona fide teaching or training after:

1. Redacting the decedent's name, address, and Social Security number; and

2. Obscuring any distinguishing physical features which would allow a viewer to identify the decedent, including but not limited to the decedent's face or any tattoos.

(3) No autopsy photograph, other visual image in whatever form, video recording, or audio recording supplied by the state medical examiner, coroner, or other public official in lawful possession of those materials pursuant to subsection (1)(b) to (j) of this section shall be used for any purpose not specifically described therein.

(4) When the purpose for the use of an autopsy photograph, other visual image in whatever form, video recording, or audio recording has been achieved, the material shall be destroyed by the person to whom it was made available under this section.

(5) When the state medical examiner, coroner, or other public official in lawful possession of an autopsy photograph, other visual image in whatever form, video recording, or audio recording makes the materials available under subsection (1)(f) to (j) of this section:

1. The name, address, and Social Security number of the decedent shall be redacted; and

2. Any distinguishing physical features which would allow a viewer to identify the decedent, including but not limited to the decedent's face or any tattoos, shall be obscured.

(6) Any person seeking any autopsy photograph, other visual image in whatever form, video recording, or audio recording pursuant to this Section shall pay any fee allowed under KRS 72.260 for the requested items.

(7) The provisions of this section shall not be construed to contravene or limit the production of records pursuant to the Rules of Civil Procedure or the Rules of Criminal Procedure.

(8) (a) The Circuit Court of the county where the decedent resided or, if the decedent was not a resident of the Commonwealth, in which an autopsy photograph, other visual image in whatever form, video recording, or audio recording is located may, upon a showing of good cause, issue an order authorizing any person to view or copy a photograph, other visual image in whatever form, video recording, or audio recording of an autopsy or to listen to or copy an audio recording of an autopsy, and may prescribe any restrictions or stipulations that the court deems appropriate. In determining good cause, the court shall consider whether this disclosure is necessary for the public evaluation of governmental performance, whether the disclosure is the least intrusive means available, and the availability of similar information in other public records, regardless of form. In all cases, the viewing, copying, listening to, or other handling of a photograph, other visual image in whatever form, video recording, or audio recording of an autopsy shall be under the direct supervision of the custodian of the record or of the custodian's designee.

(b) 1. The spouse or personal representative of the decedent shall be given:

a. Reasonable notice of a petition filed with the court to view or copy a photograph, other visual image in whatever form, video recording, or audio recording of an autopsy or a petition to listen to or copy an audio recording;

b. A copy of the petition; and

c. Reasonable notice of the opportunity to be present and heard at any hearing on the matter.

2. If there is no surviving spouse or personal representative, then the notice shall be given to the deceased's adult children or, if the deceased has no adult children, to the surviving parents of the deceased, and, if there is no individual to represent the estate of the decedent, then the court shall proceed to schedule a hearing without giving such notice.

Section 2. KRS 72.992 is amended to read as follows:

(1) Any person who violates KRS 72.020(1) or who interferes with the coroner in the lawful performance of his duties shall be fined not less than two hundred fifty dollars (\$250), or be confined in jail for not more than ninety (90) days, or both.

(2) Any coroner or deputy coroner who violates KRS 72.025 or 72.020 shall be guilty of willful neglect of official duties and shall be fined no more than one thousand dollars (\$1,000) or forfeiture of office or both.

(3) Any law enforcement officer who violates KRS 72.020 shall be guilty of willful neglect of official duties and shall be fined no more than one thousand dollars (\$1,000) or forfeiture of office or both.

(4) (a) 1. Except as provided in subparagraph 2. of this paragraph, any violation of Section 1 of this Act by an individual other than the surviving spouse, children, parents, or personal representative of the decedent shall result in a fine of not more than five hundred dollars (\$500) for the first violation and not more than one thousand dollars (\$1,000) for each subsequent violation.

2. Any violation of subsection (3) of Section 1 of this Act shall result in a fine which equals the greater of the appropriate fine provided for in subparagraph 1. of this paragraph or three (3) times any profits derived from violating subsection (3) of Section 1 of this Act.

(b) Any fine collected under paragraph (a) of this subsection shall be paid into the crime victims' compensation fund created under KRS 346.185.

SECTION 3. A NEW SECTION OF KRS CHAPTER 72 IS CREATED TO READ AS FOLLOWS:

Sections 1 and 2 of this Act may be cited as Jack's Law.

Section 4. This Act is not meant to alter or change in any way the current law in the Commonwealth relating to the availability of autopsy records that are not otherwise specifically provided for in this Act.

HOUSE BILL 74

BLUE LIGHTING

Section 1. KRS 189.950 is amended to read as follows:

EDITED

(3) Except as otherwise provided for in this section, a person shall not illuminate a blue light that is affixed to a motor vehicle while operating the motor vehicle on a highway. This subsection shall not apply to:

(a) Any light on a motorcycle that is not affixed to the front of the motorcycle; or

(b) Nonhalogen headlamps that have a slight blue tint and meet United States 20 Department of Transportation regulations.

REMAINING RENUMBERED

Section 2. KRS 189.040 is amended to read as follows:

(1) Every motor vehicle, other than a motorcycle or ~~moped~~[motor-driven cycle], shall be equipped with at least two (2) ~~headlamps~~[head lamps] with at least one (1) on each side of the front of the motor vehicle, which ~~headlamps~~[head lamps] shall comply with the requirements and limitations set forth in this section.

7 (2) Every motorcycle ~~and~~[,] ~~moped~~[, and every motor-driven cycle] shall be equipped with at least one (1) and not more than two (2) ~~headlamps~~[head lamps] which shall comply with the requirements and limitations of this section.

(3) Except as hereinafter provided, the headlamps[head lamps] or the auxiliary driving lamps or the auxiliary passing lamp or combinations thereof on motor vehicles, other than a motorcycle or ~~moped~~[motor-driven cycle], shall be so arranged that the driver may control the selection between distribution of light projected to different elevations, subject to the following requirements and limitations:

(a) There shall be an uppermost distribution of light, or composite beam, so aimed and of such intensity as to reveal persons and vehicles at a distance of at least three hundred fifty (350) feet ahead for all conditions of loading;

(b) There shall be a lowermost distribution of light, or composite beam, so aimed and of sufficient intensity

to reveal persons and vehicles at a distance of at least one hundred (100) feet ahead; and on a straight level road under any condition of loading none of the high-intensity portion of the beam shall be directed to strike the eyes of an approaching driver; and

(c) Every new motor vehicle, other than a motorcycle or ~~moped~~~~motor-driven cycle~~, registered in this state after January 1, 1956, which has multiple-beam road-lighting equipment shall be equipped with a beam indicator, which shall be lighted whenever the uppermost distribution of light from the ~~headlamps~~~~head lamps~~ is in use, and shall not otherwise be lighted. Said indicator shall be so designed and located that when lighted it will be readily visible without glare to the driver of the vehicle so equipped.

(4) Whenever a motor vehicle is being operated on a roadway or shoulder adjacent thereto during the times specified in KRS 189.030, the driver shall use a distribution of light or composite beam directed high enough and of sufficient intensity to reveal persons and vehicles at a safe distance in advance of the vehicle, subject to the requirements and limitations hereinafter set forth.

(5) Whenever a driver of a vehicle approaches an oncoming vehicle within five hundred (500) feet, ~~the~~~~such~~ driver shall use a distribution of light or composite beam, so aimed that the glaring rays are not projected into the eyes of the oncoming driver. The lowermost distribution of light or composite beam specified in paragraph (b) of subsection (3) of this section shall be deemed to avoid glare at all times, regardless of road contour and loading.

EDITED

(10) Headlamps required under this section shall only emit white light. Halogen headlamps may have a slight yellow or amber tint. Nonhalogen headlamps may emit a slight blue tint, if the headlamps were installed by the vehicle manufacturer as original equipment in the motor vehicle, motorcycle, or moped or the headlamps meet the requirements of subsection (11) of this section.

(11) A motor vehicle, motorcycle, or moped shall only be equipped with headlamps that meet United States Department of Transportation regulations.

(12) A motor vehicle, motorcycle, or moped shall not be retrofitted with a headlamp that appears to emit a solid color of light other than white.

(13) A motor vehicle, motorcycle, or moped shall not be retrofitted with a headlamp cover or film that changes the light emitted from the headlamp to a color other than white.

(14) Except as provided in subsection (10) of this section, except as provided in paragraph (b) of subsection (3) of Section 1 of this Act, and except for vehicles exempted under the provisions of KRS 189.910 to 189.950, when operating on a highway or upon the right-of-way of a highway, any:

(a) Visible front lights on a motor vehicle or any light that is affixed to the front of a motorcycle or moped, shall only be white or amber, unless installed as original equipment by the manufacturer; and

(b) Visible rear lights on a motor vehicle shall only be white, amber, or red, unless installed as original equipment by the manufacturer.

(15) Any violation of this section for the illumination of a solid blue light or solid blue lights shall be deemed to be a violation of subsection (3) of Section 1 of this Act.

Section 3. KRS 189.993 is amended to read as follows:

(9) Any person who violates KRS 189.940 shall be fined not less than sixty dollars (\$60) nor more than one thousand dollars (\$1,000) or be imprisoned in the county jail for not more than six (6) months, or both. In the case of a private vehicle, **except as outlined in subsection (11) of this section**, all lighting and other equipment used in violation of KRS 189.910 to 189.950 shall be confiscated and forfeited to the county in which the offense occurred.

EDITED

(11) (a) Any person who violates subsection (3) of Section 1 of this Act shall be fined one hundred dollars (\$100) for the first offense, two hundred dollars (\$200) for the second offense, and one thousand dollars (\$1,000) for each 3 subsequent offense.

(b) Except as provided in paragraph (a) of this subsection, any person who violates KRS 189.950 shall be fined not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000) or be

imprisoned in the county jail for not more than thirty (30) days, or both. In the case of a privately owned 8 vehicle, all lighting and other equipment used or installed in violation of KRS 9 189.910 to 189.950 shall be confiscated and forfeited to the county in which the offense occurred.

EDITED

HOUSE BILL 93

SERVICE ANIMALS

Section 1. KRS 525.200 is amended to read as follows:

(1) A person is guilty of assault on a service animal in the first degree when, without legal justification or lawful authority:

(a) He or she intentionally kills or causes serious physical injury to a service animal;

(b) He or she intentionally causes physical injury to a service animal by means of a deadly weapon or dangerous instrument; or

(c) He or she wantonly causes serious physical injury to a service animal by means of a deadly weapon or dangerous instrument [he intentionally and without legal justification or lawful authority kills or causes physical injury to a service animal to the extent that a service animal becomes physically incapable of ever returning to service].

(2) For the purposes of this section, "service animal" has the same meaning as defined in KRS 525.010, except that "service animal" does not include assistance dogs as defined in KRS 525.010(6)(h).

(3) Assault on a service animal in the first degree is a Class D felony

HOUSE BILL 112

DOGS

Section 1. KRS 258.095 is amended to read as follows:

As used in KRS 258.095 to 258.500, unless the context requires otherwise:

(1) "Department" means the Department of Agriculture;

(2) "Commissioner" means the Commissioner of Agriculture;

(3) "Board" means the Animal Control Advisory Board created by KRS 258.117;

(4) "Dog" means any domestic canine, six (6) months of age or older;

(5) "Owner," when applied to the proprietorship of a dog, includes:

(a) Every person having a right of property in the dog; and

(b) Every person who:

1. Keeps or harbors the dog; [, or]

2. Has the dog [#] in his care; [, or]

3. Permits the dog [#] to remain on or about premises owned and [or] occupied by him; or

4. Permits the dog to remain on or about premises leased and occupied by him;

HOUSE BILL 144

MOTOR VEHICLE

SECTION 1. A NEW SECTION OF KRS CHAPTER 189 IS CREATED TO READ AS FOLLOWS:

(1) As used in this section, "solid waste collection service vehicle" means a vehicle used by a solid waste collection service provider registered with a county pursuant to KRS 224.43-315(2).

(2) Upon approaching and passing a stationary solid waste collection vehicle that is giving a visual signal by alternately displaying flashing yellow, red, white, or amber lights, the operator of the approaching motor vehicle shall yield the right of way to the solid waste collection service vehicle or any collection service employees by:

(a) Reducing to, and maintaining, a safe speed for weather, road conditions and vehicular or pedestrian traffic; and

(b) Proceeding with due care and caution.

(3) This section may be cited as the Slow Down to Get Around Law.

EDITED

HOUSE BILL 158

CONTROLLED SUBSTANCES

Section 1. KRS 218A.010 is amended to read as follows:

(2) "Anabolic steroid" means any drug or hormonal substance chemically and pharmacologically related to testosterone that promotes muscle growth and includes those substances **classified as Schedule III controlled substances pursuant to Section 2 of this Act**~~[listed in KRS 218A.090(5)]~~ but does not include estrogens, progestins, and antisteroids;

(20) "Isomer" means the optical isomer, except **the Cabinet for Health and Family Services may include the optical, positional, or geometric isomer to classify any substance pursuant to Section 2 of this Act**~~[as used in KRS 218A.050(3) and 218A.070(1)(d). As used in KRS 218A.050(3), the term "isomer" means the optical, positional, or geometric isomer. As used in KRS 218A.070(1)(d), the term "isomer" means the optical or geometric isomer];~~

(28) "Opiate" means any substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having addiction-forming or addiction-sustaining liability. It does not include, unless specifically designated as controlled **under Section 2 of this Act**~~[KRS 218A.030]~~, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). It does include its racemic and levorotatory forms;

Section 2. KRS 218A.020 is amended to read as follows:

(1) The Cabinet for Health and Family Services shall administer this chapter and may by **administrative regulation** add substances to or delete or reschedule all substances enumerated in the schedules **authorized under**~~[set forth in]~~ this chapter. In making a determination regarding a substance, the Cabinet for Health and Family Services may consider the following:

- (a) The actual or relative potential for abuse;
 - (b) The scientific evidence of its pharmacological effect, if known;
 - (c) The state of current scientific knowledge regarding the substance;
 - (d) The history and current pattern of abuse;
 - (e) The scope, duration, and significance of abuse;
 - (f) The risk to the public health;
 - (g) The potential of the substance to produce psychic or physiological dependence liability; and
 - (h) Whether the substance is an immediate precursor of a substance already controlled under this chapter.
- (2) After considering the factors enumerated in subsection (1) of this section, the Cabinet for Health and Family Services may adopt a regulation controlling the substance if it finds the substance has a potential for abuse.

(3) ~~(a)~~ If any substance is designated **or**~~[-]~~ rescheduled~~[- or deleted]~~ as a controlled substance under **the federal Controlled Substances Act, the drug shall be considered to be controlled at the state level in the same numerical schedule corresponding to the federal schedule.**

(b) Notwithstanding paragraph (a) of this subsection, the Cabinet for Health and Family Services may file an amendment to the administrative regulations promulgated pursuant to this section to control the substance in a more restrictive numerical schedule than the federal schedule as permitted by subsection (1) of this section~~[law and notice thereof is given to the Cabinet for Health and Family Services, the Cabinet for Health and Family Services may similarly control the substance under this chapter by regulation].~~

EDITED

HOUSE BILL 174 OVERWEIGHT VEHICLES

Section 1. KRS 189.222 is amended to read as follows:

(1) Except as provided in subsection (2) of this section, the secretary of the Transportation Cabinet in respect to highways which are a part of the state-maintained system, by official order, may increase on designated highways or portions thereof, the maximum height, length, and gross weight prescribed in KRS 189.221, if in the opinion of the secretary, the increased height, length, and weight designated by him are justified by the strength, safety, and durability of the designated highways, and the highways do not appear susceptible to unreasonable and unusual damage by reason of the increases and the secretary may establish reasonable classification of state-maintained roads and fix a different maximum for each classification. Any increase in the height, length, or width of any motor truck or tractor semitrailer

combinations or any other vehicle combinations including any part of the body or load or designation of highways to be used by the vehicles, shall not, in any way, exceed the federal law or regulations thereunder or jeopardize the 17 allotment or qualification for federal aid funds of the Commonwealth of Kentucky 18 or exceed the following dimensions and weights:

EDITED

(3) (a) Vehicles registered under KRS 186.050(4)(b) that are engaged exclusively in the transportation of items listed in subsection (2)(a), (b), and (c) of this section may exceed the gross weight provisions set forth in subsection (1)(c) of this section by a weight tolerance of ten percent (10%), except on the interstate highway system.

(b) Vehicles registered under KRS 186.050(3) that are engaged exclusively in the transportation of items listed in subsection (2)(a) and (b) of this section may exceed the gross weight provisions set forth in subsection (1)(c) of this section by a weight tolerance of ten percent (10%), except on the interstate highway system.

EDITED

(10) Except on the interstate highway system, vehicles engaged exclusively in the transportation of crushed stone, fill dirt and rock, soil, bulk sand, coal, phosphate muck, asphalt, concrete, solid waste, tankage or animal residues, livestock, **feed for livestock or poultry**, and agricultural products shall be permitted a tolerance of ten percent (10%) of the axle weight provisions before a carrier is deemed to have violated paragraph (1)(c) of this section.

HOUSE BILL 184

OVERWEIGHT VEHICLES (METAL)

SECTION 1. A NEW SECTION OF KRS CHAPTER 189 IS CREATED TO READ AS FOLLOWS:

After the effective date of this section and until June 30, 2020:

(1) As used in this section, "metal commodities" means output products from metal-producing industries that are transported in their most basic and original form from a mill or storage facility to market for processing. "Metal commodities" does not include manufactured parts being transported from a manufacturer or supplier to another customer;

(2) The department shall promulgate administrative regulations pursuant to KRS Chapter 13A governing the issuance of annual and single-trip permits for the operation of motor vehicles transporting metal commodities with a minimum gross weight of eighty thousand and one (80,001) pounds and a maximum gross weight of one hundred twenty thousand (120,000) pounds in divisible or nondivisible loads to or from a facility manufacturing metal commodities in this state or a facility used for storage of metal commodities;

(3) A motor carrier transporting metal commodities in divisible or nondivisible loads to or from a facility manufacturing metal commodities in this state or a facility used for storage of metal commodities, may apply for an annual or single-trip overweight permit pursuant to subsection (2) of this section. A permit issued under this section shall be specific to a single truck and shall be valid twenty-four (24) hours a day;

(4) (a) The cost of an annual permit issued under this section shall be one thousand two hundred fifty dollars (\$1,250).

(b) The cost of a single-trip permit issued under this section shall be one hundred dollars (\$100);

(5) Permits issued under this section shall contain a Web site hyperlink or any other method to provide the motor carrier with routes that are approved by the department;

(6) Upon renewal of any annual permit issued under this section, the permit holder shall report to the cabinet the number of trips made and the total miles driven under the permit during the previous year; and

(7) Administrative regulations promulgated by the department under this section may require motor carriers to meet specific Federal Motor Carrier Safety Administration (FMCSA) safety ratings and FMCSA safety measurement system scores before issuance of a permit under this section.

SECTION 2. A NEW SECTION OF KRS CHAPTER 189 IS CREATED TO READ AS FOLLOWS:

In order to promote economic development and retain jobs within this state, subject to the provisions of Section 3 of this Act, the department may promulgate administrative regulations pursuant to KRS Chapter 13A governing the issuance of annual permits for the operation of motor vehicles transporting steel products or steel materials in divisible or nondivisible loads to or from a facility manufacturing products in this state or a facility used for storage of those products, whose gross weight exceeds the limits prescribed by this chapter. In no instance shall the gross weight limits issued pursuant to this section exceed one hundred twenty thousand (120,000) pounds. The movement of the products or materials shall be limited to no more than one hundred fifty (150) miles within the state.

(2) A motor carrier transporting steel products or steel materials in divisible or nondivisible loads to or from a facility manufacturing steel products in this state or a facility used for storage of those products, may apply for an annual overweight permit pursuant to subsection (1) of this section. The permit shall be valid twenty-four (24) hours a day, but shall be limited to movements of steel products or steel materials of not more than one hundred fifty (150) miles within the state. The cost of the annual permit shall be two hundred fifty dollars (\$250).

Section 3. KRS 189.222 is amended to read as follows:

(1) Except as provided in subsection (2) of this section, the secretary of the Transportation Cabinet in respect to highways which are a part of the state- maintained system, by official order, may increase on designated highways or portions thereof, the maximum height, length, and gross weight prescribed in KRS 189.221, if in the opinion of the secretary, the increased height, length, and weight designated by him are justified by the strength, safety, and durability of the designated highways, and the highways do not appear susceptible to unreasonable and unusual damage by reason of the increases and the secretary may establish reasonable classification of state maintained roads and fix a different maximum for each classification. Any increase in the height, length, or width of any motor truck or tractor semitrailer combinations or any other vehicle combinations including any part of the body or load or designation of highways to be used by the vehicles, shall not, in any way, exceed the federal law or regulations thereunder or jeopardize the allotment or qualification for federal aid funds of the Commonwealth of Kentucky or exceed the following dimensions and weights:

- (a) **1. Height, for vehicles transporting motor vehicles, fourteen (14) feet;**
2. Height, for all other vehicles, thirteen and one-half (13-1/2) feet;

EDITED

Section 4. KRS 189.990 is amended to read as follows:

EDITED

(a) Any person who violates the weight provisions of KRS 189.212, 189.221, 189.222, 189.226, 189.230, [or]189.270, **or Section 1 of this Act** shall be fined two cents (\$0.02) per pound for each pound of excess load when the excess is five thousand (5,000) pounds or less. When the excess exceeds five thousand (5,000) pounds the fine shall be two cents (\$0.02) per pound for each pound of excess load, but the fine levied shall not be less than one hundred dollars (\$100) and shall not be more than five hundred dollars (\$500).

(b) Any person who violates the provisions of KRS 189.271 and is operating on a route designated on the permit shall be fined one hundred dollars (\$100); otherwise, the penalties in paragraph (a) of this subsection shall apply.

(c) Any person who violates any provision of subsection (2) or (3) of KRS 189.050, subsection (4) of KRS 189.090, KRS 189.221 to 189.230, 189.270, **Section 1 of this Act**, 189.280, or the dimension provisions of KRS 189.212, for which another penalty is not specifically provided shall be fined not less than ten dollars (\$10) nor more than five hundred dollars (\$500).

(d) **On or after July 1, 2020:**

1. Any person who violates the weight provisions of Section 2 of this Act shall be subject to the

penalties outlined in paragraph (a) of this subsection; and

2. Any person who violates any provision of Section 2 of this Act for which another penalty is not specifically provided shall be fined not less than ten dollars (\$10) nor more than five hundred dollars (\$500).

EDITED

(30) [(a) Prior to January 1, 2011, any person who violates KRS 189.292 or 189.294 shall not be issued a uniform citation, but shall instead receive a courtesy warning.

(b)]On or after January 1, 2011, any person who violates KRS 189.292 or 189.294 shall be fined twenty-five dollars (\$25) for the first offense and fifty dollars (\$50) for each subsequent offense.

Section 5. The Interim Joint Committee on Transportation of the Legislative Research Commission is directed to conduct a review of the effect that overweight and overdimensional vehicles have on the Commonwealth's roadways and railroad infrastructure. As part of this review the Committee shall:

(1) Identify major routes traveled by vehicles that operate under overweight or overdimensional permits;

(2) Obtain from the Transportation Cabinet an assessment of sections of roadways that show possible damage from vehicles operating under an overweight or overdimensional permit;

(3) Obtain from the rail industry an assessment of sections of regularly damaged rails at railroad crossings;

(4) Analyze the data to determine whether there is any correlation between overweight or overdimensional vehicles and roadway or rail damage;

(5) Examine issues of modal parity by determining if an increase in the allowable weight of motor carriers, by permit, has an impact on the diversion of this same freight from other modes; and

(6) Determine whether fees for overweight permits and taxes paid by motor carriers are at an appropriate level to properly compensate for any increased damage to roadways.

Section 6. The Committee shall transmit the results of the study to the Legislative Research Commission by September 30, 2019.

Section 7. Provisions of Sections 5 and 6 of this Act to the contrary notwithstanding, the Legislative Research Commission shall have the authority to alternatively assign the issues identified herein to an interim joint committee or subcommittee thereof and to designate a study completion date.

Section 8. The provisions of Sections 5 to 8 of this of this Act shall have the same legal status as a House Concurrent Resolution.

Section 9. 2017 RS HB 174/GA (2017 Ky. Acts ch. 8) shall be amended as follows:

On page 3, delete lines 7 through 16 in their entirety and insert the following in lieu thereof:

(3) Vehicles registered under KRS 186.050[(4)(b)] that are engaged exclusively in the transportation of items listed in subsection (2)(a), (b), and (c) of this section may exceed the gross weight provisions set forth in subsection (1)(c) of this section by a weight tolerance of ten percent (10%), except on the interstate highway system."

Section 10. Section 2 of this Act takes effect July 1, 2020.

Section 11. The following KRS section is repealed:

189.2715 Annual overweight permit for transporting steel products or materials --Weight and mileage limitations

HOUSE BILL 192 FOSTER YOUTH OPERATOR'S LICENSE

Section 1. KRS 186.450 is amended to read as follows:

(1) A person who is at least sixteen (16) years of age may apply for an instruction permit to operate a motor

vehicle. A person who possesses a valid intermediate motor vehicle operator's license issued under KRS 186.452 or a person who is at least eighteen (18) years of age may apply for an instruction permit to operate a motorcycle. A holder of either a motor vehicle or motorcycle instruction permit may also operate a moped under that permit. A person applying for an instruction permit under this section shall make application in the office of the circuit clerk in the county where the person lives. A person applying for an instruction permit shall be required to comply with the following:

(a) If the person is under the age of eighteen (18), the instruction permit application shall be signed by the applicant's parent or legal guardian. If the person does not have a living parent or does not have a legal guardian, the instruction permit application shall be signed by a person willing to assume responsibility for the applicant pursuant to KRS 186.590;[and]

(b) If the person is under the age of eighteen (18) and in the custody of the Cabinet for Health and Family Services, the instruction permit application shall be signed by:

1. The applicant's parent, legal guardian, grandparent, adult sibling, aunt, or uncle if the parental rights have not been terminated in accordance with KRS Chapter 625;

2. The foster parent with whom the applicant resides;

3. Another person who is at least age eighteen (18) and is willing to assume responsibility for the applicant pursuant to Section 3 of this Act; or

4. The applicant, without another person, upon verification by the Cabinet for Health and Family Services in accordance with Section 3 of this Act that shall include proof of financial responsibility in accordance with subsection (2) of Section 3 of this Act; and

(c) All applicants for an instruction permit shall comply with the examinations required by KRS 186.480.

EDITED

Section 2. KRS 186.470 is amended to read as follows:

1.(a) Except as provided in paragraphs (b) and (c) of this subsection, the application of any minor under the age of eighteen (18) for an operator's license, motorcycle operator's license, intermediate license, or any instruction permit shall not be granted unless the application is signed by a parent or legal guardian of the applicant. Regardless of which parent signs the application, both parents shall be responsible as provided in KRS 186.590.[]

(b) The application of a minor who is under the age of eighteen (18) and in the custody of the Cabinet for Health and Family Services shall be signed by:

1. The applicant's parent, legal guardian, grandparent, adult sibling, aunt, or uncle if the parental rights have not been terminated in accordance with KRS Chapter 625;

2. The foster parent with whom the applicant resides;

3. Another person who is at least age eighteen (18) and is willing to assume responsibility for the applicant pursuant to Section 3 of this Act; or

4. The applicant, without another person, upon verification by the Cabinet for Health and Family Services in accordance with Section 4 of this Act that shall include proof of financial responsibility in accordance with subsection (2) of Section 3 of this Act.

(c) If the minor does not have a father, mother, or guardian, and has not applied under paragraph (b) of this subsection, an operator's license, intermediate license, or instruction permit shall not be granted to the minor unless his **or her** application is signed by a person willing to assume the obligation imposed by KRS 186.590 upon a person signing the application of a minor.[]

EDITED

(2) The application shall include parental consent **or the minor's consent** for the receipt and release of the information as set forth in KRS 159.051 regarding the attendance and academic requirements for a minor to acquire and keep an operator's license, intermediate license, instructional permit, or privilege to operate a motor vehicle.

(3) (a) A parent or a guardian of a minor applicant, **or a person who signed for a minor applicant under subsection (1)(b) or (1)(c) of this section,** may file with the cabinet a verified written request that the license of the minor be canceled. **A minor's foster parent shall share a request made in accordance with this paragraph with the Cabinet for Health and Family Services.**

(b) A representative of the Cabinet for Health and Family Services may file with the cabinet a verified

written request that the license of a minor child in the custody of the Cabinet for Health and Family Services be canceled.

(c) Upon the filing of a request under paragraph (a) or (b) of this subsection,~~[Thereupon]~~ the license of the minor shall be canceled and ~~any~~~~the~~ person who signed the application shall be relieved as to subsequent acts of the minor from the liability imposed by subsection (1) of KRS 15 186.590.

(4) ~~[The cabinet]~~ Upon receipt of satisfactory evidence of the death of the person who signed the application of a minor for a license, the cabinet shall have the license canceled and no new license shall be issued to the minor until a new application, signed and verified, is made as required by this section.

Section 3. KRS 186.590 is amended to read as follows:

(1) Any negligence of a minor under the age of eighteen (18) who has been licensed upon an application signed as provided by KRS 186.470, when driving any motor vehicle upon a highway, shall be imputed to the person who signed the application, **if required**, of the minor for the license. That person shall be jointly and severally liable with the minor for any damages caused by the negligence.

(2) If a minor deposits or there is deposited in his or her behalf, a proof of financial responsibility in form and amounts required by **KRS 304.39-110**~~[Chapter 187]~~, the person who signed the application shall not, while such proof is maintained, be subject to the liability imposed by subsection (1). If the minor is the owner of a motor vehicle, the proof of financial responsibility shall be with respect to the operation of that motor vehicle; if not an owner, then with respect to the operation of any motor vehicle

Section 4. KRS 605.102 is amended to read as follows:

(1) For the purposes of this section, "caregiver" has the same meaning as in 42 U.S.C. 12 sec. 675(10)(B).

(2) In accordance with 42 U.S.C. sec. 671, a caregiver shall use the reasonable and prudent parent standard to determine whether to allow a child in the custody of the cabinet to participate in an age or developmentally appropriate extracurricular, enrichment, or social activity.

(3) A caregiver shall not be liable as a result of the caregiver's approval of the participation of a child who is in the custody of the cabinet in an age or developmentally appropriate activity, so long as the caregiver acts in accordance with the reasonable and prudent parent standard. No provision in any agreement between the cabinet and a caregiver shall diminish the standard of care as set forth by this statute.

(4) Nothing in this section is intended to abrogate or diminish the immunities of a cabinet official acting in the course and scope of the cabinet official's employment or create a legal duty on the part of a cabinet official.

(5) The cabinet, in conjunction with the child's caregiver, shall utilize the reasonable and prudent parent standard to:

(a) Verify that a child is in the custody of the cabinet and is age or developmentally appropriate to apply for an operator's license, motorcycle operator's license, intermediate license, or any instruction permit in accordance with Section 1 or 2 of this Act; or

(b) Request that a child's operator's license, motorcycle license, intermediate license, or any instruction permit be cancelled in accordance with Section 2 of this Act.

(6) The cabinet shall promulgate an administrative regulation to implement subsection (5) of this section.

HOUSE BILL 200 ANIMALS

Section 1. KRS 525.130 is amended to read as follows:

(5) If a person is convicted of or pleads guilty to an offense under subsection (1) of this section arising from the person's treatment of an equine, the court may impose one (1) or both of the following penalties against the person, in addition to fines and imprisonment:

(a) An order that the person pay restitution for damage to the property of others and for costs incurred by others, including reasonable costs, as determined by agreement or by the court after a hearing, incurred in feeding, sheltering, veterinary treatment, and incidental care of any equine that was the subject of the offense resulting in conviction; or

(b) An order terminating or imposing conditions on the person's right to possession, title, custody, or care of any equine that was the subject of the offense resulting in conviction. If a person's ownership interest in an equine is terminated by a judicial order under paragraph (b) of this

subsection, the court may order the sale, conveyance, or other disposition of the equine that was the subject of the offense resulting in conviction.

HOUSE BILL 215 VEHICLE ACCIDENT REPORTS

Section 1. KRS 189.635 is amended to read as follows:

(1) The Justice and Public Safety Cabinet, Department of Kentucky State Police, shall be responsible for maintaining a reporting system for all vehicle accidents which occur within the Commonwealth. Such accident reports shall be utilized for such purposes as will improve the traffic safety program in the Commonwealth involving the collection, processing, storing, and dissemination of such data and the establishment of procedures by administrative regulations to insure that uniform definitions, classifications, and other federal requirements are in compliance.

(a) The report shall be made available to a news-gathering organization, solely for the purpose of publishing or broadcasting the news. The news-gathering organization shall not use or distribute the report, or knowingly allow its use or distribution, for a commercial purpose other than the news-gathering organization's publication or broadcasting of the information in the report.

(b) A newspaper or periodical shall be considered a news-gathering organization if it:

1. Is published at least fifty (50) of fifty-two (52) weeks during a calendar year;

2. Contains at least twenty-five percent (25%) news content in each issue or no more than seventy-five percent (75%) advertising content in any issue in the calendar year; and

3. Contains news of general interest to its readers that can include news stories, editorials, sports, weddings, births, and death notices.

(c) A newspaper, periodical, or radio or television station shall not be held to have used or knowingly allowed the use of the report for a commercial purpose merely because of its publication or broadcast.

(d) For the purposes of this section, the meaning of "news-gathering organizations" does not include any product or publication:

1. Which is intended primarily for members of a particular profession or occupational group; or

2. With the primary purpose of distributing advertising or of publishing names and other personal identifying information concerning parties to motor vehicle accidents which may be used to solicit for services covered under Subtitle 39 of KRS Chapter 304.

(e) A request under this section shall be completed using a form promulgated by the department through administrative regulations in accordance with KRS Chapter 13A. The form under this paragraph shall include:

1. The name and address of the requestor and the news-gathering organization the requestor represents;

2. A statement that the requestor is a news-gathering organization under this subsection;

3. A statement that the request is in compliance with the criteria contained in this section; and

4. A declaration of the requestor as to the accuracy and truthfulness of the information provided in the request.

HOUSE BILL 222 SHOCK PROBATION

Section 1. KRS 439.265 is amended to read as follows:

(1) Subject to the provisions of KRS Chapter 439 and Chapters 500 to 534, any Circuit Court may, upon motion of the defendant made not earlier than thirty (30) days nor later than one hundred eighty (180) days after the defendant has been incarcerated in a county jail following his conviction and sentencing pending delivery to the institution to which he has been sentenced, or delivered to the keeper of the institution to which he has been sentenced, suspend the further execution of the sentence and place the defendant on probation upon terms the court determines. Time spent on any form of release following conviction shall not count toward time required under this section.

(2) The court shall consider any motion filed in accordance with subsection (1) of this section within sixty (60) days of the filing date of that motion, and shall enter its ruling within ten (10) days after considering the motion. The defendant may, in the discretion of the trial court, have the right to a hearing on any motion he may file, or have filed for him, that would suspend further execution of sentence. Any court order granting or denying a motion to suspend further execution of sentence is not reviewable.

(3) (a) During the period in which the defendant may file a motion pursuant to this statute, the sentencing judge, within his or her discretion, may order that the defendant be held in a local detention facility that is not at or above maximum capacity until such time as the court rules on said motion. During this period of detention, and prior to the court's ruling on said motion, the court may require the defendant to participate in any approved community work program or other forms of work release. Persons held in the county jail pursuant to this subsection shall not be subject to transfer to a state correctional facility until the decision is made not to place the petitioner on shock probation.

(b) The provisions concerning community work programs or other forms of work release shall apply only to persons convicted of Class C or Class D felonies, and may be granted only after a hearing at which the Commonwealth's attorney has the opportunity to present arguments in favor or opposition thereto.

(4) (a) If the defendant is a violent offender as defined in KRS 439.3401, the sentence shall not be probated under this section.

(b) The sentence shall not be probated under this section if the defendant has been convicted of:

1. A violation of either KRS 507.040 or 507A.040 and a violation of KRS 189A.010 arising out of the same incident; or

2. A violation of either KRS 507.050 or 507A.050 and a violation of KRS 189A.010 arising out of the same incident.

EDITED

HOUSE BILL 225 PEACE OFFICER JURISDICTION

Section 1. KRS 61.365 is amended to read as follows:

The following persons who are employed by the federal government as law enforcement or investigative officers who have the power of arrest and who are residents of the Commonwealth of Kentucky shall be deemed peace officers and shall have the same powers and duties of any other peace officer in the Commonwealth, except that they shall not be required to serve process unless permitted to do so by their respective agencies:

EDITED

(10) United States Mint Police of the United States Department of the Treasury:

(a) On the portion of United States Highway 31W that is located within the borders of the Fort Knox Military Reservation;

(b) Within a local jurisdiction, upon the written request of the head of the local law enforcement agency identifying a specific event and time frame for which assistance is requested; and

(c) Within the Commonwealth, upon the written request of the commissioner of the Department of Kentucky State Police identifying a specific event and time frame for which assistance is requested.

EMERGENCY

HOUSE BILL 265 OVERDIMENSIONAL VEHICLES

SIGNED INTO LAW AND EFFECTIVE AS OF MARCH 20, 2017

Section 1. KRS 189.010 is amended to read as follows:

As used in this chapter:

(25) "Nondivisible load," as pertains to state highways that are not part of the national truck network established pursuant to 23 C.F.R. pt. 658, means a load or vehicle, that if separated into smaller loads or vehicles:

(a) Compromises the intended use of the vehicle, making it unable to perform the function for which it was intended;

(b) Destroys the value of the load or vehicle, making it unusable for its intended purpose; or

(c) Requires more than four (4) work hours to dismantle and reassemble using appropriate equipment.

Section 2. Whereas the definitions contained in this Act directly affect and enhance the speedy and efficient delivery of equipment, particularly farm implements needed for spring planting, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

HOUSE BILL 309 DOMESTIC VIOLENCE

SECTION 1. A NEW SECTION OF KRS CHAPTER 383 IS CREATED TO READ AS FOLLOWS:

(1) (a) This section shall apply only to leases or rental agreements created or renewed on or after the effective date of this Act.

(b) A person who is both a named individual and a protected tenant shall not be eligible for the protections under this section.

(2) As used in this section:

(a) "Named individual" means a person identified in the protective orders listed in paragraph (b) of this subsection as restrained from contact with the protected tenant; and

(b) 1. "Protected tenant" means a residential rental or leased housing tenant, applicant for tenancy, or a tenant with a minor household member, who is protected by a valid:

a. Domestic violence order issued pursuant to KRS 403.740 which restrains the adverse party from any unauthorized contact; or

b. Interpersonal protective order issued pursuant to KRS 456.060 which restrains the adverse party from any unauthorized contact.

2. For purposes of subsections (3) and (4) of this section, "protected tenant" also means a residential rental or leased housing tenant, applicant for tenancy, or a tenant with a minor household member who is protected by a valid:

a. Emergency protective order issued pursuant to KRS 403.730;

b. Temporary interpersonal protective order issued pursuant to KRS 456.040; or

c. Pretrial release no contact order issued pursuant to KRS 2 431.064.

(3) (a) A landlord shall not terminate, fail to renew, refuse to enter into, or otherwise retaliate in the renting or leasing of a residence because of the person's status as a protected tenant.

(b) It shall be a defense to an action for possession of a rented or leased residential property if the court determines that:

1. The tenant is a protected tenant; and

2. The notice to vacate is substantially based on acts which violated the tenant's protective order or led to the issuance of a protective order listed in subsection (2) of this section, including an action for possession based on complaints of noise, disturbances, or repeated presence of peace officers.

(4) (a) 1. After informing the landlord of an intention to install a new lock, a protected tenant at his or her expense, may install a new lock to his or her dwelling by:

a. Rekeying the lock if the lock is in good working condition; or

b. Replacing the entire locking mechanism with a locking mechanism of equal or better quality than the lock being replaced.

2. The tenant shall provide a key to the new lock to the landlord upon request.

(b) Regardless of any provision in the lease or rental agreement, the landlord may refuse to provide a key to the new lock to a named individual, even if the named individual is a party to the lease or rental agreement.

(c) A named individual who has been excluded from leased or rented property under this section remains liable for rent.

(5) (a) For a protected tenant who obtains a valid protective order listed in subsection (2)(b)1. of this section after entering into a lease or rental agreement, the lease or rental agreement may be terminated by providing the landlord with:

1. Written notice of termination to be effective on a date stated in the notice that is at least thirty (30) days after the landlord's receipt of the notice; and

2. A copy of the valid protective order.

(b) For a protected tenant who obtains a valid protective order listed in subsection (2)(b)1. of this section before entering into a lease or rental agreement, the lease or rental agreement may be terminated by:

1. Providing the landlord with written notice of termination to be effective on a date stated in the notice that is at least thirty (30) days after the landlord's receipt of the notice;

2. Attaching a copy of the valid protective order; and

3. Demonstrating a safety concern to the landlord that arises after execution of the lease.

(c) Upon termination of a lease or rental agreement under this section, the released protected tenant shall:

1. Be liable for the rent due under the lease or rental agreement prorated to the effective date of the termination and payable at the time that would have been required by the terms of the lease or rental agreement;

2. Not receive a negative credit entry, a negative character reference, or be liable for any other rent or fees due solely to the early termination of the tenancy; and

3. Not be subject to any damages or penalties if a lease or rental agreement is terminated under this subsection fourteen (14) or more days prior to occupancy.

(d) Regardless of whether the named individual is a party to a lease or rental agreement terminated under this subsection, the named individual:

1. Is deemed to have interfered with the terminated lease or rental agreement between the landlord and tenant; and

2. Shall be civilly liable for all economic losses incurred by the landlord for the early lease termination, including unpaid rent, early lease termination fees, commissions and advertising costs incurred in reletting the premises, costs to repair damages to the premises, or any reductions in rent previously granted to the protected tenant.

(6) Regardless of conflicting provisions in a named individual's rental agreement or lease, if a named individual and a protected tenant are co-tenants, a landlord may:

(a) Refuse access to the property by a named individual unless the named individual is specifically permitted access by court order; and

(b) Pursue all available legal remedies against the named individual, including:

1. Termination of the named individual's rental agreement or lease;

2. Eviction of the named individual, whether or not a lease or rental agreement between the landlord and the named individual exists; and

3. Action for damages against the named individual for any unpaid rent owed by the named individual or any damages resulting from a violation of a valid protective order listed in subsection (2)(b)1. of this section.

(7) Notwithstanding the release of a protected tenant or an exclusion of a named individual from a lease or rental agreement under this section, if there are any remaining tenants residing in the dwelling unit, the tenancy shall continue for those tenants.

(8) A landlord is immune from civil liability if the landlord in good faith acts in accordance with this section.

EDITED

Section KRS 209A.010 is repealed, reenacted, and amended to read as follows:

The purpose of this chapter is to identify victims of domestic violence and[.] abuse and dating violence and abuse, to link those victims to services[or neglect inflicted by a spouse], and to provide protective or therapeutic services for those who choose to accept them[for the protection of adults who choose to access those services. A victim of domestic violence who has a mental or physical disability or who cannot carry out the activities of daily living or protect himself or herself without the assistance of others may be served under the provisions of KRS Chapter 209].

Section 4. KRS 209A.020 is repealed, reenacted, and amended to read as follows:

As used in this chapter, unless the context otherwise requires:

(1) "Cabinet" means the Cabinet for Health and Family Services;

(2) "Dating violence and abuse" has the same meaning as in KRS 456.010;

(3) "Domestic violence and abuse" has the same meaning as in KRS 403.720;

(4) "Law enforcement officer" means a member of a lawfully organized police unit or police force of county, city, or metropolitan government who is responsible for the detection of crime and the enforcement of the general criminal laws of the state, as well as a sheriff, sworn deputy sheriff,

campus police officer, law enforcement support personnel, public airport authority security officer, other public and federal peace officer responsible for law enforcement, special local peace officer appointed pursuant to KRS 61.360, school resource officer, public school district security officer, and any other enforcement officer as defined by law;

(5) "Professional" means a physician, osteopathic physician, coroner, medical examiner, medical resident, medical intern, chiropractor, nurse, dentist, optometrist, emergency medical technician, paramedic, licensed mental health professional, therapist, cabinet employee, child-care personnel, teacher, school personnel, ordained minister or the denominational equivalent, victim advocate, or any organization or agency employing any of these professionals;

(6) "Victim" means an individual who is or has been abused by a spouse or former spouse or an intimate partner who meets the definition of a member of an unmarried couple as defined in KRS 403.720, or a member of a dating relationship as defined in KRS 456.010; and

(7) "Victim advocate" has the same meaning as in KRS 421.570 ~~"Secretary" means the secretary of the Cabinet for Health and Family Services;~~

~~(2) "Cabinet" means the Cabinet for Health and Family Services;~~

~~(3) "Department" means the Department for Community Based Services of the Cabinet for Health and Family Services;~~

~~(4) "Adult" means a person without regard to age who is the victim of abuse or neglect inflicted by a spouse;~~

~~(5) "Protective services" means agency services undertaken with or on behalf of an adult in need of protective services who is being abused or neglected. These services may include but are not limited to conducting investigations of complaints of possible abuse or neglect to ascertain whether or not the situation and condition of the adult in need of protective services warrants further action, including action under KRS Chapter 209, and social services aimed at preventing and remedying abuse or neglect;~~

~~(6) "Abuse" means the infliction of injury, unreasonable confinement, intimidation, or punishment resulting in physical harm or pain, including mental injury;~~

~~(7) "Investigation" shall include but is not limited to a personal interview with the individual reported to be abused or neglected. When abuse or neglect is allegedly the cause of death, a coroner's or doctor's report shall be examined as part of the investigation;~~

~~(8) "Records" means the medical or mental health records of the adult that are in the possession of any individual, hospital, firm, corporation, or other facility if necessary to complete the investigation mandated in KRS 209.030(5);~~

~~(9) "Neglect" means a situation in which a person deprives his or her spouse of reasonable services to maintain health and welfare; and~~

~~(10) "Authorized agency" means:~~

~~(a) The Cabinet for Health and Family Services;~~

~~(b) A local law enforcement agency or the Department of Kentucky State Police;~~

~~(c) The office of a Commonwealth's attorney or county attorney].~~

SECTION 5. A NEW SECTION OF KRS CHAPTER 209A IS CREATED TO 3 READ AS FOLLOWS:

(1) Upon the request of a victim, a professional shall report an act of domestic violence and abuse or dating violence and abuse to a law enforcement officer.

(2) A professional who makes a report under this chapter shall discuss the report with the victim prior to contacting a law enforcement officer.

SECTION 6. A NEW SECTION OF KRS CHAPTER 209A IS CREATED TO READ AS FOLLOWS:

(1) A professional shall report to a law enforcement officer his or her belief that the death of a victim with whom he or she has had a professional interaction is related to domestic violence and abuse or dating violence and abuse.

(2) Nothing in this chapter shall relieve a professional of the duty pursuant to KRS 14 620.030 to report any known or suspected abuse, neglect, or dependency of a child.

(3) Nothing in this chapter shall relieve a professional of the duty pursuant to KRS 17 209.030 to report to the cabinet any known or suspected abuse, neglect, or exploitation of a person eighteen (18) years of age or older who because of mental or physical dysfunction is unable to manage his or her own resources, carry out the activity of daily living, or protect himself or herself from neglect, exploitation, or a hazardous or abusive situation without assistance from others.

SECTION 7. A NEW SECTION OF KRS CHAPTER 209A IS CREATED TO READ AS FOLLOWS:

(1) If a law enforcement officer receives a report of domestic violence and abuse or dating violence and abuse, the officer shall use all reasonable means to provide assistance as required under KRS 403.785 and 456.090.

(2) A law enforcement officer who responds to a report of domestic violence and abuse or dating violence and abuse shall use the JC-3 form, or its equivalent replacement, as provided by the Justice and Public Safety Cabinet to document any information or injuries related to the domestic violence and abuse or dating violence and abuse.

(3) A completed JC-3 form, or its equivalent replacement, shall be kept in the records of the law enforcement officer's agency of employment.

(4) If the JC-3 form, or its equivalent replacement, includes information that only relates to a victim as defined in Section 4 of this Act, the form shall not be forwarded to the cabinet.

(5) If the JC-3 form, or its equivalent replacement, includes information on known or suspected child abuse or neglect or the abuse or neglect of an elderly or disabled adult, the form shall be forwarded to the cabinet.

SECTION 8. A NEW SECTION OF KRS CHAPTER 209A IS CREATED TO 14 READ AS FOLLOWS: (1)

If a professional has reasonable cause to believe that a victim with whom he or she has had a professional interaction has experienced domestic violence and abuse or dating violence and abuse, the professional shall provide the victim with educational materials related to domestic violence and abuse or dating violence and abuse including information about how he or she may access regional domestic violence programs under KRS 209.160 or rape crisis centers under KRS 21 211.600 and information about how to access protective orders.

(2) A nonprofit corporation designated by the cabinet pursuant to Section 13 of this Act as a primary service provider for domestic violence shelter, crisis, and advocacy services in the district in which the provider is located shall make the educational materials required under this section available on its Web site or in print form for professionals to provide to possible victims of domestic violence and abuse or dating violence and abuse.

Section 9. KRS 209A.030 is repealed, reenacted, and amended to read as follows:

EDITED

(11) ~~Anyone~~ **A professional** knowingly or wantonly violating the provisions of **this chapter** ~~subsection (2) of this section~~ shall be guilty of a Class B misdemeanor and penalized in accordance with KRS 532.090. Each violation shall constitute a separate offense.

Section 10. KRS 209A.050 is repealed, reenacted, and amended to read as follows:

~~Anyone acting upon reasonable cause in complying with the provisions of [the making of any report or investigation pursuant to] this chapter[, including representatives of the cabinet in the reasonable performance of their duties in good faith, and within the scope of their authority,] shall have immunity from any civil or criminal liability that might otherwise be incurred or imposed. Any such participant shall have the same immunity with respect to participation in any judicial proceeding resulting from such **compliance** [report or investigation and such immunity shall apply to those who render protective services in good faith pursuant to the consent of the adult].~~

Section 11. KRS 209A.060 is repealed, reenacted and amended to read as follows:

~~Neither the **psychotherapist** [psychiatrist]-patient privilege nor the husband-wife privilege shall be a ground for excluding evidence regarding the domestic violence and abuse or dating violence and abuse [abuse, neglect, or exploitation of an adult] or the cause thereof in any judicial proceeding resulting from a report pursuant to this chapter.~~

EDITED

Section 15. KRS 403.785 is amended to read as follows:

(1) A court issuing an order of protection shall direct the appropriate law enforcement agency to assist the

petitioner in having the provisions of the order complied with.

(2) When a law enforcement officer has reason to suspect that a person has been victim of domestic violence and abuse, the officer shall use all reasonable means to provide assistance to the victim, including but not limited to:

(a) Remaining at the location of the call for assistance so long as the officer reasonably suspects there is danger to the physical safety of individuals there without the presence of a law enforcement officer;

(b) Assisting the victim in obtaining medical treatment, including transporting the victim to the nearest medical facility capable of providing the necessary treatment; and

(c) Advising the victim immediately of the rights available to them as provided in KRS 421.500, including the provisions of this chapter.

(3) Orders of protection shall be enforced in any county of the Commonwealth.

(4) Officers acting in good faith under this section shall be immune from criminal and civil liability.

~~[(5) Each law enforcement agency shall report all incidents of actual or suspected domestic violence and abuse within their knowledge to the Cabinet for Health and Family Services, Department for Community Based Services, within forty-eight (48) hours of learning of the incident or of the suspected incident.]~~

HOUSE BILL 314 CONTROLLED SUBSTANCE MONITORING

KRS 218A.202 is amended to read as follows:

(1) The Cabinet for Health and Family Services shall establish and maintain an electronic system for monitoring Schedules II, III, IV, and V controlled substances~~[that are dispensed within the Commonwealth by a practitioner or pharmacist or dispensed to an address within the Commonwealth by a pharmacy that has obtained a license, permit, or other authorization to operate from the Kentucky Board of Pharmacy].~~ The cabinet may contract for the design, upgrade, or operation of this system if the contract preserves all of the rights, privileges, and protections guaranteed to Kentucky citizens under this chapter and the contract requires that all other aspects of the system be operated in conformity with the requirements of this or any other applicable state or federal law.

(2) A practitioner or a pharmacist authorized to prescribe or dispense controlled substances to humans shall register with the cabinet to use the system provided for in this section and shall maintain such registration continuously during the practitioner's or pharmacist's term of licensure and shall not have to pay a fee or tax specifically dedicated to the operation of the system.

(3) Every practitioner or pharmacy which dispenses~~[dispenser within the Commonwealth who is licensed, permitted, or otherwise authorized to prescribe or dispense]~~ a controlled substance to a person in Kentucky, or to a person at an address in Kentucky, shall report to the Cabinet for Health and Family Services the data required by this section, which includes the reporting of any Schedule II controlled substance dispensed at a facility licensed by the cabinet and a Schedule II through Schedule V controlled substance regardless of dosage when dispensed by the emergency department of a hospital to an emergency department patient.~~[except that reporting]~~ Reporting shall not be required for:

EDITED

(b) A Schedule III through Schedule V controlled substance dispensed by a facility licensed by the cabinet provided that the quantity dispensed is limited to an amount adequate to treat the patient for a maximum of forty-eight (48) hours and is not dispensed by the emergency department of a hospital; or ~~[A drug, other than any Schedule II controlled substance or a Schedule III controlled substance containing hydrocodone, dispensed by a practitioner at a facility licensed by the cabinet, provided that the quantity dispensed is limited to an amount adequate to treat the patient for a maximum of forty-eight (48) hours; or]~~

EDITED

(4) In addition to the data required by subsection (5) of this section, a Kentucky-licensed acute care hospital or critical access hospital shall report to the cabinet all positive toxicology screens that were performed by the hospital's emergency department to evaluate the patient's suspected drug overdose.

(5) Data for each controlled substance that is reported~~[dispensed]~~ shall include but not be limited to the

following:

- (a) Patient identifier;
- (b) National drug code of the drug dispensed;
- (c) Date of dispensing;
- (d) Quantity dispensed;
- (e) Prescriber; and
- (f) Dispenser.

EDITED

~~(7)~~(6) The Cabinet for Health and Family Services shall only disclose data to persons and entities authorized to receive that data under this section. Disclosure to any other person or entity, including disclosure in the context of a civil action where the disclosure is sought either for the purpose of discovery or for evidence, is prohibited unless specifically authorized by this section. The Cabinet for Health and Family Services shall be authorized to provide data to:

- (a) A designated representative of a board responsible for the licensure, regulation, or discipline of practitioners, pharmacists, or other person who is authorized to prescribe, administer, or dispense controlled substances and who is involved in a bona fide specific investigation involving a designated person;
- (b) Employees of the Office of the Inspector General of the Cabinet for Health and Family Services who have successfully completed training for the electronic system and who have been approved to use the system, ***federal prosecutors***, Kentucky Commonwealth's attorneys and assistant Commonwealth's attorneys, county attorneys and assistant county attorneys, a peace officer certified pursuant to KRS 15.380 to 15.404, a certified or full-time peace officer of another state, or a federal ***agent***~~peace officer~~ whose duty is to enforce the laws of this Commonwealth, of another state, or of the United States relating to drugs and who is engaged in a bona fide specific investigation involving a designated person;
- (c) A state-operated Medicaid program in conformity with subsection ~~(8)~~(7) of this section;
- (d) A properly convened grand jury pursuant to a subpoena properly issued for the records;
- (e) A practitioner or pharmacist, or employee of the practitioner's or pharmacist's practice acting under the specific direction of the practitioner or pharmacist, who ~~requests information and~~ certifies that the requested information is for the purpose of: 1. Providing medical or pharmaceutical treatment to a bona fide current or prospective patient; ~~or~~

2. Reviewing data on controlled substances that have been reported for the birth mother of an infant who is currently being treated by the practitioner for neonatal abstinence syndrome, or has symptoms that suggest prenatal drug exposure; or

3. Reviewing and assessing the individual prescribing or dispensing patterns of the practitioner or pharmacist or to determine the accuracy and completeness of information contained in the monitoring system;

EDITED

HOUSE BILL 333 CONTROLLED SUBSTANCES

Section 1. KRS 218A.010 is amended to read as follows:

As used in this chapter:

(3) "Carfentanil" means any substance containing any quantity of carfentanil, or any of its salts, isomers, or salts of isomers;

EDITED

(15) "Fentanyl" means a substance containing any quantity of fentanyl, or any of its salts, isomers, or salts of isomers;

(16) "Fentanyl derivative" means a substance containing any quantity of any chemical compound, except compounds specifically scheduled as controlled substances by statute or by administrative

regulation pursuant to this chapter, which is structurally derived from 1-ethyl-4-(N-phenylamido) piperidine:

(a) By substitution:

1. At the 2-position of the 1-ethyl group with a phenyl, furan, thiophene, or ethyloxotetrazole ring system; and

2. Of the terminal amido hydrogen atom with an alkyl, alkoxy, cycloalkyl, or furanyl group; and

(b) Which may be further modified in one (1) or more of the following ways:

1. By substitution on the N-phenyl ring to any extent with alkyl, alkoxy, haloalkyl, hydroxyl, or halide substituents;

2. By substitution on the piperidine ring to any extent with alkyl, allyl, alkoxy, hydroxy, or halide substituents at the 2-, 3-, 5-, and/or 6- positions;

3. By substitution on the piperidine ring to any extent with a phenyl, alkoxy, or carboxylate ester substituent at the 4- position; or

4. By substitution on the 1-ethyl group to any extent with alkyl, alkoxy, or hydroxy substituents;

EDITED

(25)[(22)] "Marijuana" means all parts of the plant Cannabis sp., whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin or any compound, mixture, or preparation which contains any quantity of these substances. The term "marijuana" does not include:

(a) Industrial hemp that is in the possession, custody, or control of a person who holds a license issued by the Department of Agriculture permitting that person to cultivate, handle, or process industrial hemp [as defined in KRS 19.260.850];

(b) Industrial hemp products that do not include any living plants, viable seeds, leaf materials, or floral materials;

(c)[(b)] The substance cannabidiol, when transferred, dispensed, or administered pursuant to the written order of a physician practicing at a hospital or associated clinic affiliated with a Kentucky public university having a college or school of medicine;[–or]

(d)[(c)] For persons participating in a clinical trial or in an expanded access program, a drug or substance approved for the use of those participants by the United States Food and Drug Administration;

(e) A cannabidiol product derived from industrial hemp, as defined in KRS 260.850; or

(f) A cannabidiol product approved as a prescription medication by the United States Food and Drug Administration;

DEFINITIONS RENUMBERED AS APPROPRIATE

Section 2. KRS 218A.020 is amended to read as follows:

(1) The Cabinet for Health and Family Services shall administer this chapter and may by regulation add substances to or delete or reschedule all substances enumerated in the schedules set forth in this chapter. In making a determination regarding a substance, the Cabinet for Health and Family Services may consider the following:

(a) The actual or relative potential for abuse;

(b) The scientific evidence of its pharmacological effect, if known;

(c) The state of current scientific knowledge regarding the substance;

(d) The history and current pattern of abuse;

(e) The scope, duration, and significance of abuse;

(f) The risk to the public health;

(g) The potential of the substance to produce psychic or physiological dependence liability; and

(h) Whether the substance is an immediate precursor of a substance already controlled under this chapter.

(2) After considering the factors enumerated in subsection (1) of this section, the Cabinet for Health and Family Services may adopt a regulation controlling the substance if it finds the substance has a potential for abuse.

(3) If any substance is designated, rescheduled, or deleted as a controlled substance under federal law and notice thereof is given to the Cabinet for Health and Family Services, the Cabinet for Health and Family Services may similarly control the substance under this chapter by regulation.

(4) The Cabinet for Health and Family Services shall exclude any nonnarcotic substance from a schedule if the substance may be lawfully sold over the counter without prescription under the provisions of the Federal Food, Drug and Cosmetic Act, or the Federal Comprehensive Drug Abuse Prevention and Control Act of 1970, or the Kentucky Revised Statutes (for the purposes of this section the Kentucky Revised Statutes shall not include any regulations issued thereunder).

(5) The Office of Drug Control Policy may request that the Cabinet for Health and Family Services schedule any substance that would meet the criteria to be scheduled pursuant to this chapter ~~[a substance substantially similar to a synthetic cannabinoid or piperazine or a synthetic cathinone]~~. The cabinet shall consider the request utilizing the criteria established by this section and shall issue a written response within sixty (60) days of the scheduling request delineating the cabinet's decision to schedule or not schedule the substance and the basis for the cabinet's decision. The cabinet's response shall be provided to the Legislative Research Commission and shall be a public record.

Section 4. KRS 218A.1410 is amended to read as follows:

(1) A person is guilty of importing heroin, carfentanil, fentanyl, or fentanyl derivatives when he or she knowingly and unlawfully transports any quantity of heroin, carfentanil, fentanyl, or fentanyl derivatives into the Commonwealth by any means with the intent to sell or distribute the heroin, carfentanil, fentanyl, or fentanyl derivatives.

(2) The provisions of this section are intended to be a separate offense from others in this chapter, and shall be punished in addition to violations of this chapter occurring during the same course of conduct.

(3) Importing heroin, carfentanil, fentanyl, or fentanyl derivatives is a Class C felony, and the defendant shall not be released on probation, shock probation, conditional discharge, or parole until he or she has served at least fifty percent (50%) of the sentence imposed.

Section 5. KRS 218A.1412 is amended to read as follows:

(1) A person is guilty of trafficking in a controlled substance in the first degree when he or she knowingly and unlawfully traffics in:

(a) Four (4) grams or more of cocaine;

(b) Two (2) grams or more of [heroin, fentanyl, or] methamphetamine;

(c) Ten (10) or more dosage units of a controlled substance that is classified in Schedules I or II and is a narcotic drug, or a controlled substance analogue;

(d) Any quantity of heroin, fentanyl, carfentanil, or fentanyl derivatives; lysergic acid diethylamide; phencyclidine; gamma hydroxybutyric acid (GHB), including its salts, isomers, salts of isomers, and analogues; or flunitrazepam, including its salts, isomers, and salts of isomers; or

(e) Any quantity of a controlled substance specified in paragraph (a), (b), or (c) of this subsection in an amount less than the amounts specified in those paragraphs.

EDITED

(2) ...

(c) Any person convicted of a Class C felony offense or higher under this section shall not be released on probation, shock probation, parole, conditional discharge, or other form of early release until he or she has served at least fifty percent (50%) of the sentence imposed in cases where the trafficked substance was heroin, fentanyl, carfentanil, or fentanyl derivatives.

Section 6. KRS 218A.142 is amended to read as follows:

(1) A person is guilty of aggravated trafficking in a controlled substance in the first degree when he or she knowingly and unlawfully traffics in:

(a) One hundred (100) grams or more of heroin;

(b) Twenty-eight (28) grams or more of fentanyl; or

(c) Ten (10) grams or more of carfentanil or fentanyl derivatives.

(2) Aggravated trafficking in a controlled substance in the first degree is a Class B felony, and the defendant shall not be released on probation, shock probation, conditional discharge, or parole until he or she has served at least fifty percent (50%) of the sentence imposed.

Section 1. KRS 70.290 is amended to read as follows:

(1) (a) City and county law enforcement agencies, including sheriff's offices, may, as a condition of employment, require a newly appointed deputy sheriff or peace officer who will participate in the Kentucky Law Enforcement Foundation Fund Program, authorized by KRS 15.410 to 15.510, to enter into an employment contract for a period of no longer than three (3) years from the date of graduation from the Department of Criminal Justice Training, or other training approved by the Kentucky Law Enforcement Council.

(b) If a deputy sheriff or peace officer who has entered into a contract authorized under this subsection accepts employment as a peace officer with another law enforcement agency, that law enforcement agency shall reimburse the law enforcement agency that initially hired the deputy sheriff or peace officer for the actual costs incurred and expended by the law enforcement agency that initially hired the deputy sheriff or peace officer which are associated with the initial hiring of that officer, including but not limited to the application process, training costs, equipment costs, salary and fringe benefits. The law enforcement agency that initially hired the deputy sheriff or peace officer shall be reimbursed for the costs from the time of the deputy sheriff or peace officer's initial application until graduation from the Department of Criminal Justice Training.

(c) 1. For contracts entered into before the effective date of this Act, the amount of reimbursement authorized by this subsection shall be prorated based upon the percentage of time that the deputy sheriff or peace officer completed of his or her employment contract. The amount of reimbursement authorized by this subsection after the pro rata amount is calculated shall be reduced by the cost of the training provided by the Department of Criminal Justice Training for the subject officer.

2. For contracts entered into on or after the effective date of this Act, the amount of reimbursement authorized by this subsection shall not be prorated, and shall be for the full amount as calculated in paragraph 6 (b) of this subsection.

(2) If a peace officer who has been employed by a state law enforcement agency for three (3) years or less accepts employment as a peace officer with a city or local law enforcement agency, that city or local law enforcement agency shall reimburse the state law enforcement agency that initially hired the peace officer for the costs expended with the initial hiring of that officer, including but not limited to the application process, training costs, equipment costs, salary and fringe benefits. The state law enforcement agency that initially hired the peace officer shall be reimbursed for the costs incurred and expended from the time of the peace officer's initial application until graduation from a Kentucky Law Enforcement Council approved training academy. The amount of reimbursement authorized by this subsection shall be prorated based upon the percentage of time that the peace officer has been employed.

HOUSE BILL 378 ACCIDENT REPORTS

Section 1. KRS 189.635 is amended to read as follows:

(1) The Justice and Public Safety Cabinet, Department of Kentucky State Police, shall be responsible for maintaining a reporting system for all vehicle accidents which occur within the Commonwealth. Such accident reports shall be utilized for such purposes as will improve the traffic safety program in the Commonwealth involving the collection, processing, storing, and dissemination of such data and the establishment of procedures by administrative regulations to insure that uniform definitions, classifications, and other federal requirements are in compliance.

EDITED

(10) The report shall be made available without subpoena to the Department of Workplace Standards in the Labor Cabinet if the accident report is pertinent to an occupational safety and health investigation.

HOUSE BILL 404 COMMERCIAL DELIVERY VEHICLES

SECTION 1. A NEW SECTION OF KRS CHAPTER 189 IS CREATED TO READ AS FOLLOWS:

(1) As used in this section:

(a) "Commercial delivery personnel" means employees of a licensed commercial delivery service;

(b) "Golf cart" has the same meaning as in KRS 189.286;

(c) "Local government" has the same meaning as in KRS 189.286;
(d) "Low-speed vehicle" has the same meaning as in Section 2 of this Act;
(e) "Residential area" means areas zoned primarily or exclusively for single- family or multifamily residential use; and
(f) "Utility vehicle" means a vehicle designed and manufactured for general maintenance, security, and landscaping purposes, but does not include any vehicle designed or used primarily for the transportation of persons or property on a street or highway, a golf cart, or an all-terrain vehicle as 16 defined in KRS 189.010.
(2) Commercial delivery personnel may operate low-speed vehicles, golf carts, or utility vehicles solely for the purpose of delivering express envelopes and packages if:
(a) The operator has a valid operator's license in his or her possession;
(b) The vehicles are solely operated in residential areas and on public roadways with a posted speed limit of thirty-five (35) miles per hour or less;
(c) At any point after a required notice of intent to operate is provided to the local government pursuant to subsection (8) of this section, the local government having jurisdiction over the public roadways described in paragraph (b) of this subsection has not enacted an ordinance prohibiting commercial delivery personnel from operating on those roadways;
(d) The size of the combined length and girth packages does not exceed one hundred thirty (130) inches and the weight of the packages does not exceed one hundred fifty (150) pounds; and
(e) The vehicles are being operated between:
1. Sunrise and sunset; or
2. A time period specified by local ordinance under the provisions of subsection (6) of this section. 8
(3) Vehicles operating under subsection (2) of this section shall:
(a) Be titled in accordance with KRS Chapter 186A;
(b) Be registered as a motor vehicle in accordance with KRS 186.050(3)(a);
(c) Be insured in compliance with KRS 281.655;
(d) Meet the federal motor vehicle safety standards for low-speed vehicles set forth in 49 C.F.R. sec. 571.500;
(e) Be marked in a conspicuous manner with the name of the delivery service;
(f) Bear an identifying sticker or tag issued by the cabinet. The sticker or tag shall carry a unique ID; and
(g) Comply with vehicle standards established by administrative regulations promulgated under subsection (9) of this section.
(4) Commercial delivery personnel may pull a trailer from vehicles operated under this section if the trailer is registered in accordance with KRS 186.675(4).
(5) Commercial delivery personnel operating a vehicle on a public roadway under this section shall be subject to the traffic regulations in this chapter.
(6) The governing body of a local government may, by local ordinance, regulate a vehicle operating under this section on any public roadway under its jurisdiction by specifying:
(a) Each roadway that is prohibited for use by vehicles operating under section; and
(b) The time period during which vehicles under this section may operate.
(7) A local ordinance adopted under this section shall not assess fees or set forth vehicle equipment requirements.
(8) At least sixty (60) days prior to commencing the operation of low-speed vehicles, golf carts, or utility vehicles under this section, a commercial delivery service shall provide notice to a local government of its intent to operate on roadways under the local government's jurisdiction. Notification under this subsection shall not be required for local governments that have adopted an ordinance under KRS 189.286.
(9) The Transportation Cabinet may promulgate administrative regulations pursuant to KRS Chapter 13A to establish requirements and to set forth standards for vehicles used by commercial delivery personnel operating under this section, including but not limited to issuance of an identification sticker or tag.

Section 2. KRS 186.010 is amended to read as follows:

EDITED

(4) "Motor vehicle" means in KRS 186.020 to 186.260, all vehicles, as defined in paragraph (a) of subsection (8) of this section, which are propelled otherwise than by muscular power. As used in KRS 186.400 to 186.640, it means all vehicles, as defined in paragraph (b) of subsection (8) of this section, which are self-propelled. "Motor vehicle" shall not include a moped as defined in this section, but for registration purposes shall include low-speed vehicles as defined in this section and vehicles operating under Section 1 of this Act.

**HOUSE BILL 410 REAL ID
DELAYED ENACTMENT ON CERTAIN PROVISIONS**

Section 1. KRS 186.410 is amended to read as follows:

- (1) Every person except those exempted by KRS 186.420 and 186.430 shall, before operating a motor vehicle, motorcycle, or moped upon a highway, secure an operator's license as provided in this chapter.
- (2) Except as provided in Section 3 of this Act~~[KRS 186.412]~~, all original, renewal, and duplicate licenses for the operation of motor vehicles, motorcycles, or mopeds shall be applied for with~~issued by~~ the circuit clerk in the county of the applicant's residence, or through alternative technology, including a Transportation Cabinet mobile unit, and issued by the Transportation Cabinet. Subject to the provisions 13 of Section 13 of this Act, applications for renewal licenses shall be made every eight~~(8)[four (4)]~~ years within the birth month of the applicant. A license shall not be issued until the application has been certified by the cabinet and the applicant 16 has, if required under Section 29 of this Act~~[KRS 186.6401]~~, successfully completed the examinations required under KRS 186.480.
- (3) All ~~color photo~~ personal identification cards shall be issued under the provisions of Sections 4, 5, and 6 of this Act~~[KRS 186.412]~~.
- (4) A person under the age of eighteen (18) years who applies for an instruction permit shall~~[may]~~, at any time between the age of sixteen (16) and before the person's eighteenth birthday, enroll in one (1) of the following driver training programs:
 - (a) A driver's education course administered by a school district;
 - (b) A driver training school licensed pursuant to KRS Chapter 332 which offers a course meeting or exceeding the minimum standards established by the Transportation Cabinet; or
 - (c) State traffic school. The person may seek to enroll in state traffic school before the person's eighteenth birthday. Persons enrolling in state traffic school pursuant to this paragraph shall not be required to pay a fee.
- (5) If, for any reason, a person fails to successfully complete the required driver training pursuant to subsection (4) of this section within one (1) year of being issued an operator's license, the Transportation Cabinet shall enroll the person in state traffic school and cancel or suspend the operator's driving privileges until the person completes state traffic school.
- (6) Any applicant for any initial or renewal instruction permit, operator's license, or personal identification card under KRS 186.400 to 186.640 may apply for either:
 - (a) A voluntary travel ID document; or
 - (b) A standard document that does not meet standards for federal identification purposes.

SECTION 2. KRS 186.412 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

- (1) As used in this section, "applicant" means a person who is a citizen or permanent resident of the United States.
- (2) An applicant shall apply for an instruction permit or operator's license in the office of the circuit clerk of the county where the applicant lives, or through alternative technology. Except as provided in Section 7 of this Act, the application form shall require the applicant's:
 - (a) Full legal name and signature;
 - (b) Date of birth;
 - (c) Social Security number or a letter from the Social Security Administration declining to issue a Social Security number;
 - (d) Sex;
 - (e) Present Kentucky resident address, exclusive of a post office box address alone;

(f) Other information necessary to permit the application of United States citizens to also serve as an application for voter registration;

(g) A brief physical description of the applicant;

(h) Proof of the applicant's Kentucky residency, including but not limited to a deed or property tax bill, utility agreement or utility bill, or rental housing agreement; and

(i) Other information the cabinet may require by administrative regulation promulgated under KRS Chapter 13A.

(3) In addition to the information identified in subsection (2) of this section, a permanent resident shall present one (1) of the following documents issued by the United States Department of Homeland Security, United States Bureau of Citizenship and Immigration Services:

(a) An I-551 card with a photograph of the applicant; or

(b) A form with the photograph of the applicant or a passport with a photograph of the applicant on which the United States Department of Homeland Security, United States Bureau of Citizenship and Immigration Services, has stamped the following: "Processed for I-551. Temporary evidence of lawful admission for permanent residence. Valid until (Expiration Date). Employment authorized."

(4) Upon application for an operator's license under this section, the circuit clerk shall capture a photograph of the applicant in accordance with the requirements of subsection (1) of Section 6 of this Act.

(5) (a) Except as provided in paragraph (b) of this subsection, the circuit clerk shall electronically scan the documents required for application under this section and shall electronically forward the application, supporting documents, and the photograph of the applicant to the Transportation Cabinet. Upon completion of any required examinations under Section 2 of this Act, the circuit clerk shall present the applicant with a temporary operator's license or instruction permit, which shall be valid for thirty (30) days until a permanent operator's license or instruction permit is mailed to the applicant by the Transportation Cabinet.

(b) The circuit clerk shall only electronically scan the birth certificate of an individual applying for a voluntary travel ID instruction permit or operator's license. If the applicant is not seeking such a permit or license, the circuit clerk shall not electronically scan the applicant's birth certificate.

(c) An applicant for an operator's license or instruction permit shall not be required to surrender the applicant's birth certificate for image capture, image storage, or image transmission to any entity, including the federal government, unless express consent is given by the applicant during the course of obtaining a voluntary travel ID license or permit.

(6) An applicant shall swear an oath to the circuit clerk as to the truthfulness of the statements contained in the form.

SECTION 3. A NEW SECTION OF KRS 186.400 TO 186.640 IS CREATED TO READ AS FOLLOWS:

(1) As used in this section, "applicant" means a person who is not a United States citizen and has not been granted status as a permanent resident of the United States.

(2) An applicant shall apply for an instruction permit or operator's license to either the Transportation Cabinet in Frankfort or a Transportation Cabinet field office. An applicant under this section shall complete the application identified in Section 2 of this Act, along with other documents required under this section. The cabinet shall keep an electronic copy of the documentation submitted with the application and shall capture a photograph of the applicant in accordance with subsection (1) of Section 6 of this Act.

(3) The application form under this section shall be accompanied by the applicant's documentation issued by the United States Department of Homeland Security, United States Bureau of Citizenship and Immigration Services, authorizing the person to be in the United States and, if applicable, the applicant's international driving permit. The Transportation Cabinet shall verify the information submitted under this subsection through the Systematic Alien Verification for Entitlements (SAVE) Program.

(4) The application form of a special status individual with a K-1 status shall be accompanied by an original or certified copy of the applicant's completed marriage license signed by the official who presided over the marriage ceremony and two (2) witnesses. The application form of a special status individual with a K-1 status shall also include the applicant's petition to enter the United States for the purpose of marriage that contains the name of the prospective spouse. If the name of the

prospective spouse on the petition does not match the name of the spouse on the marriage license, the Transportation Cabinet shall not be required to issue an operator's license.

(5) (a) The Transportation Cabinet shall verify and validate the immigration status and personal identity of an applicant under this section through federal government systems and databases.

(b) If an applicant's identity and immigration status is validated, the cabinet shall capture a photograph of the applicant, and scan the required documents into the cabinet's database.

(c) If the applicant successfully completes any examinations required under Section 37 of this Act, or if an examination is not required, the Transportation Cabinet shall present the applicant with a temporary operator's license or instruction permit, which shall be valid for thirty (30) days until a permanent operator's license or instruction permit is mailed to the applicant.

(d) An applicant under this section shall only be issued a standard operator's license or instruction permit. (6)(a) An applicant shall apply to renew an operator's license, or obtain a duplicate operator's license, at the Transportation Cabinet in Frankfort or a Transportation Cabinet field office.

(b) If an applicant has any type of change in his or her immigration status, the applicant shall apply to update the operator's license with either the Transportation Cabinet in Frankfort or a Transportation Cabinet field office within ten (10) days.

(7) An applicant shall swear an oath to the Transportation Cabinet as to the truthfulness of the statements contained in the form.

(8) (a) Except as provided in paragraph (b) of this subsection, an initial or renewal operator's license issued to an applicant who is not a special status individual shall be valid for a period equal to the length of time the applicant's documentation from the United States Department of Homeland Security, United States Bureau of Citizenship and Immigration Services, is valid, or eight (8) years, whichever time period is shorter.

(b) An initial or renewal operator's license shall be valid for a period of one (1) year if the applicant is not a special status individual and the person's documentation issued by the United States Department of Homeland Security, United States Bureau of Citizenship and Immigration Services, is issued for an indefinite period of time and does not have an expiration date. The fee shall be the same as for a regular operator's license.

SECTION 4. A NEW SECTION OF KRS 186.400 TO 186.640 IS CREATED TO READ AS FOLLOWS:

(1) As used in this section, "applicant" means a person who is a citizen or permanent resident of the United States.

(2) The Transportation Cabinet shall issue a personal identification card to an applicant who:

(a) Is a Kentucky resident;

(b) Applies in person in the office of the circuit clerk in his or her county of residence or through alternative technology; and

(c) Complies with the provisions of this section.

(3) Upon application for a personal identification card under this section, the circuit clerk shall capture a photograph of the applicant in accordance with subsection (1) of Section 6 of this Act.

(4) (a) Except as provided in paragraph (b) of this subsection, the circuit clerk shall electronically scan the documents required for application under this section and shall electronically forward the application, supporting documents, and the photograph of the applicant to the Transportation Cabinet. The circuit clerk shall present the applicant with a temporary personal identification card, which shall be valid for thirty (30) days until a permanent personal identification card is mailed to the applicant by the Transportation Cabinet.

(b) The circuit clerk shall only electronically scan the birth certificate of an individual applying for a voluntary travel ID personal identification card. If the applicant is not seeking such a document, the circuit clerk shall not electronically scan the applicant's birth certificate.

(c) An applicant for a personal identification card shall not be required to surrender the applicant's birth certificate for image capture, image storage, or image transmission to any entity, including the federal government, unless express consent is given by the applicant during the course of obtaining a voluntary travel ID personal identification card.

(5) (a) An application for a personal identification card shall be accompanied by the same information as is required for an operator's license under Section 4 of this Act, except if an applicant does not have a fixed, permanent address, the applicant may use as proof of residency a signed

letter from a homeless shelter, health care facility, or social service agency currently providing the applicant treatment or services and attesting that the applicant is a resident of Kentucky. An applicant who does not have a fixed, permanent address shall not be issued a voluntary travel ID personal identification card.

(b) It shall be permissible for the application form for a personal identification card to include as an applicant's most current resident address a mailing address or an address provided on a voter registration card.

(c) If the applicant is not the legal owner or possessor of the address provided on the application form, the applicant shall swear that he or she has permission from the legal owner, authorized agent for the legal owner, or possessor to use the address for purposes of obtaining the personal identification card.

(6) (a) Every applicant for a personal identification card under this section shall swear an oath to the circuit clerk as to the truthfulness of the statements contained on the application form.

(b) A personal identification card may be suspended or revoked if the person who was issued the card presents false or misleading information to the cabinet when applying for the card.

(7) A personal identification card issued under this section shall be valid for a period of eight (8) years from the date of issuance, except that if the personal identification card is issued to a person who does not have a fixed, permanent address, then the personal identification card shall be valid for one (1) year from the date of issuance.

(8) (a) An applicant may be issued a personal identification card if the applicant currently holds a valid Kentucky instruction permit or operator's license, except that a person shall not hold more than one (1) license or personal identification card that is a voluntary travel ID identity document which indicates that it meets the requirements for federal identification under Pub. L. No. 109-13 Title II, as referenced in subsection (8) of Section 6 of this Act.

(b) If a person's instruction permit or operator's license has been suspended or revoked, the person may be issued a temporary personal identification card. A temporary personal identification card shall be renewed annually and may be surrendered when the person applies to have his or her instruction permit or operator's license reinstated.

SECTION 5. A NEW SECTION OF KRS 186.400 TO 186.640 IS CREATED 16 TO READ AS FOLLOWS:

(1) As used in this section, "applicant" means a person who is not a United States citizen and has not been granted status as a permanent resident of the United States.

(2) The Transportation Cabinet shall issue a personal identification card to an applicant who:

(a) Is a Kentucky resident;

(b) Applies in person to either the Transportation Cabinet in Frankfort or a Transportation Cabinet field office; and

(c) Complies with the provisions of this section.

(3) Upon application for a personal identification card under this section, the cabinet shall capture a photograph of the applicant in accordance with subsection (1) of Section 6 of this Act.

(4) The cabinet shall electronically scan the documents required for application under this section, supporting documents, and the photograph of the applicant into the cabinet's database.

(5) (a) An application for a personal identification card shall be accompanied by the same information as is required for an operator's license under Section 2 of this Act, along with other documents required under this section, except if an applicant does not have a fixed, permanent address, the applicant may use as proof of residency a signed letter from a homeless shelter, health care facility, or social service agency currently providing the applicant treatment or services and attesting that the applicant is a resident of Kentucky. An applicant who does not have a fixed, permanent address shall not be issued a voluntary travel ID personal identification card.

(b) It shall be permissible for the application form for a personal identification card to include as an applicant's most current resident address a mailing address or an address provided on a voter registration card.

(c) If the applicant is not the legal owner or possessor of the address provided on the application form, the applicant shall swear that he or she has permission from the legal owner, authorized agent for the legal owner, or possessor to use the address for purposes of obtaining the personal identification card.

(6) The application form under this section shall be accompanied by the applicant's documentation issued by the United States Department of Homeland Security, United States Bureau of Citizenship and Immigration Services, authorizing the applicant to be in the United States. The Transportation Cabinet shall verify the information submitted under this subsection through the Systematic Alien Verification for Entitlements (SAVE) Program.

(7) The application form of a special status individual with a K-1 status shall be accompanied by an original or certified copy of the applicant's completed marriage license signed by the official who presided over the marriage ceremony and two (2) witnesses. The application form of a special status individual with a K-1 status shall also include the applicant's petition to enter the United States for the purpose of marriage that contains the name of the prospective spouse. If the name of the prospective spouse on the petition does not match the name of the spouse on the marriage license, the Transportation Cabinet shall not be required to issue an operator's license.

(8) (a) The Transportation Cabinet shall verify and validate the immigration status and personal identity of an applicant under this section through federal government systems and databases.

(b) If an applicant's identity and immigration status is validated, the cabinet shall capture a photograph of the applicant, and scan the required documents into the cabinet's database, and shall present the applicant with a temporary personal identification card, which shall be valid for thirty (30) days until a permanent personal identification card is mailed to the applicant.

(c) An applicant under this section shall only be issued a standard personal identification card.

(9) (a) An applicant shall apply to renew a personal identification card, or obtain a duplicate personal identification card, at the Transportation Cabinet in Frankfort or a Transportation Cabinet field office.

(b) If a person has any type of change in his or her immigration status, the person shall apply to update with either the Transportation Cabinet in Frankfort or a Transportation Cabinet field office within ten (10) days.

(10) (a) Every applicant for a personal identification card under this section swear an oath to the Transportation Cabinet as to the truthfulness of the statements contained on the application form.

(b) A personal identification card may be suspended or revoked if the person who was issued the card presents false or misleading information to the cabinet when applying for the card.

(11) (a) Except as provided in paragraph (b) of this subsection, an initial or renewal personal identification card issued to an applicant who is not a special status individual shall be valid for a period equal to the length of time the applicant's documentation from the United States Department of Homeland Security, United States Bureau of Citizenship and Immigration Services, is valid, or eight (8) years, whichever time period is shorter.

(b) An initial or renewal personal identification card shall be valid for a period of one (1) year if:

1. The applicant is not a special status individual and the applicant's documentation issued by the United States Department of Homeland Security, United States Bureau of Citizenship and Immigration Services, is issued for an indefinite period of time and does not have an expiration date. The fee shall be the same as for a regular personal identification card; or

2. The personal identification card is issued to a person who does not have a fixed, permanent address.

SECTION 6. A NEW SECTION OF KRS 186.400 TO 186.640 IS CREATED TO READ AS FOLLOWS:

(1) Except as provided in subsection (9) of this section, the Transportation Cabinet shall issue operator's licenses and personal identification cards bearing a photograph of the applicant and other information the cabinet may deem appropriate to qualified applicants under this chapter. When taking the photograph, the applicant shall be prohibited from wearing sunglasses, veils, scarves, or any other attire that obscures or creates shadows upon any features of the applicant's face as determined by the clerk. An applicant shall be required to remove eyewear that obstructs the iris or the pupil of the eyes and shall not take any action to obstruct a photograph of his or her facial features. The face shall be visible from the crown to the base of the chin and from ear to ear. Any person who refuses to remove attire prohibited by this subsection as directed by the person taking the application shall be prohibited from receiving an operator's license or personal identification card.

(2) An operator's license or personal identification card issued by the cabinet shall not contain the applicant's Social Security number. The cabinet shall promulgate administrative regulations in

accordance with KRS Chapter 13A that develop a numbering system that uses an identification system other than Social Security numbers. If an applicant submits adequate proof that he or she does not have a Social Security number, the Transportation Cabinet shall assign the applicant a unique identifying number.

(3) The license or personal identification card shall also designate by color coding and using the phrase "under 21" if the licensee or card holder is under the age of twenty-one (21); "CDL" if the license is issued pursuant to KRS Chapter 281A; or "under 21 CDL" if the licensee holds a commercial driver's license issued pursuant to KRS Chapter 281A and is under the age of twenty-one (21).

(4) The cabinet shall provide on each operator's license and personal identification card space for a notation that the holder of the license or personal identification card has expressed to the circuit clerk the person's willingness to make an anatomical gift under KRS 311.1917. If a person who has made a declaration under this subsection wishes to rescind that declaration, the person shall notify the Kentucky Circuit Court Clerks' Trust for Life, which shall remove the notation from his or her records.

(5) An operator's license issued pursuant to this chapter shall be designated a Class D license.

(6) A person shall not have more than one (1) operator's license.

(7) Upon marriage, dissolution of marriage, or any other qualifying event, if a person seeks to change his or her name, the person shall make a name change with the Social Security Administration prior to applying for an operator's license or a personal identification card and shall provide the circuit clerk with the person's marriage license, divorce decree, or other documentation. The name issued on the identity document shall match the person's name as recorded with the Social Security Administration. Unless a person is eligible to renew his or her identity document at the time of the name change, the fee charged under this section shall be for a corrected identity document as set forth in Section 21 of this Act.

(8) An identity document issued under this chapter shall contain a denotation that either:

(a) The identity document is a voluntary travel ID identity document that complies with the security standards set forth by Pub. L. No. 109-13 Title II, and may be used for identification for federal purposes; or

(b) The identity document shall not be used for federal identification purposes.

(9) (a) The Transportation Cabinet may provide for the issuance of an instruction permit, operator's license, or personal identification card without a photograph if there is good cause for the omission based in documented religious objections. The Transportation Cabinet shall promulgate administrative regulations pursuant to KRS Chapter 13A to establish the criteria and requirements for obtaining an operator's license, instruction permit, or personal identification card without a photograph.

(b) An applicant for an initial instruction permit, operator's license, or personal identification card without a photograph shall apply to the Transportation Cabinet in Frankfort or a Transportation Cabinet field office. The application shall be processed solely by the Transportation Cabinet in the same manner as in subsection (5) of Section 3 and subsection (8) of Section 5 of this Act.

(c) An operator's license, instruction permit, or personal identification card issued without a photograph shall denote on its face that it shall not be accepted by any federal agency for identification or any other federal purpose.

SECTION 7. A NEW SECTION OF KRS 186.400 TO 186.640 IS CREATED TO READ AS FOLLOWS:

(1) The Transportation Cabinet shall issue to any felony offender, if the felony offender is eligible, released from the Kentucky Department of Corrections or a Federal Bureau of Prisons facility located in Kentucky on home incarceration, parole, completed service of sentence, shock probation, or pardon, a personal identification card or, if the felony offender is eligible, an operator's license. An offender who wishes to obtain a personal identification card or operator's license shall provide proper documentation to comply with the provisions of this section.

(2) Proper documentation under subsection (1) of this section shall consist of:

(a) The offender's certificate of birth;

(b) A copy of the offender's resident record card and parole certificate or notice of discharge;

(c) A photograph of the offender, printed on plastic card or paper; and

(d) A release letter that shall contain the offender's:

1. Full legal name, subject to the information available to the Kentucky Department of Corrections or a Federal Bureau of Prisons located in Kentucky;

2. Discharge/release date;

3. Signature;

4. Social Security number;

5. Date of birth;

6. Present Kentucky address where he or she resides; and

7. Physical description.

(3) The Transportation Cabinet shall issue to any felony offender, if the felony offender is eligible, probated or conditionally discharged by the court and under the supervision of the Division of Probation and Parole or the United States Probation Office, a personal identification card or, if the felony offender is eligible, an operator's license. An offender who wishes to obtain a personal identification card or operator's license shall provide proper documentation to comply with the provisions of this section.

(4) Proper documentation under subsection (3) of this section shall consist of:

(a) The offender's certificate of birth;

(b) The offender's sentencing order;

(c) A photograph of the offender, printed on plastic card or paper; and

(d) A notarized release letter, signed by the supervising officer verifying the offender's status on supervision, that shall contain the offender's:

1. Full legal name, subject to the information available to the Division of Probation and Parole or the United States Probation Office;

2. Signature;

3. Social Security number;

4. Date of birth;

5. Present Kentucky address where he or she resides; and

6. Physical description.

(5) The offender shall present the documentation identified in subsection (2) or (4) of this section to the circuit clerk within thirty (30) calendar days from the date of the release letter and shall be responsible for paying the fee for the personal identification card or operator's license pursuant to KRS 186.531.

(6) Except as provided in subsection (7) of this section, the circuit clerk shall process applications for operator's licenses and personal identification cards under this section in the same manner as in Sections 2 and 4 of this Act.

(7) The Transportation Cabinet may enter into an agreement with the Kentucky Department of Corrections, the United States Probation Office, or the Federal Bureau of Prisons to use a mobile unit to begin the issuance process in this section.

SECTION 8. A NEW SECTION OF KRS 186.400 TO 186.640 IS CREATED 13 TO READ AS FOLLOWS:

(1) The Transportation Cabinet shall implement a voluntary statewide child identification program. The program shall issue a photo personal identification card to a child two (2) to fifteen (15) years of age.

(2) A parent or guardian may apply for a child identification card under this section at the circuit clerk's office in the county in which the child resides. Application for a child identification card shall be accompanied by a Social Security card and a birth certificate for the child or other proof of the child's date of birth as provided under Section 2 of this Act. The card shall not contain the child's Social Security number.

(3) (a) If the child's parent or guardian wishes to obtain a travel ID child identification card, the circuit clerk shall scan the application and supporting documentation, capture a photograph of the child in accordance with the provisions of subsection (1) of Section 6 of this Act, and submit the application, documentation, and photograph to the Transportation Cabinet, who shall issue the child identification card by mail.

(b) If the child's parent or guardian does not wish to obtain a travel ID child identification card, the circuit clerk shall scan the application, capture a photograph of the child in accordance with the provisions of subsection (1) of Section 6 of this Act, and submit the application and photograph to the Transportation Cabinet, who shall issue the child identification card by mail.

(c) A parent or guardian applying under this section shall not be required to surrender the child's birth certificate for image capture, image storage, or image transmission to any entity, including the federal government, unless express consent is given by the parent or guardian during the course of obtaining a voluntary travel ID child identification card.

(4) A child identification card issued under this section shall contain the child's name and the toll-free number of the Kentucky Missing Persons Clearinghouse, Department of Kentucky State Police. The descriptive data and a photo image of the child shall be stored in the Kentucky Driver's License Information System and may be retrieved and used by public agencies subject to the provisions of the Driver Privacy Protection Act, 18 U.S.C. sec. 2721, and may also be used by the Kentucky Missing Persons Clearinghouse.

(5) The fee for a child identification card shall be six dollars (\$6). Four dollars (\$4) of the fee shall be deposited into the KYTC photo license account established in Section 23 of this Act. Two dollars (\$2) of the fee shall be deposited in the circuit court clerk salary account established in Section 22 of this Act.

(6) A child identification card shall expire every two (2) years on the child's birthday. Within the time period that the child identification card is valid, the card may be updated with a new photograph and information. The fee for an updated card shall be six dollars (\$6), with the fee distributed in the same manner as the fee for an initial card as described in subsection (5) of this section.

(7) If a parent or guardian complies with the requirements of Sections 10 and 11 of this Act, the parent or guardian may request that the child identification card issued to a minor child under this section be a voluntary travel ID identity document under Section 10 of this Act.

(8) A child identification card issued under this section shall contain a denotation that either:

(a) The child identification card is a voluntary travel ID identity document that complies with the security standards set forth by Pub. L. No. 109-13, Title 10 II, and may be used for identification for federal purposes; or

(b) The identity document shall not be used for federal identification purposes.

SECTION 9. A NEW SECTION OF KRS 186.400 TO 186.640 IS CREATED 13 TO READ AS FOLLOWS:

(1) If a resident of the Commonwealth currently serving in the United States military is stationed or assigned to a base or other location outside the boundaries of the Commonwealth, the resident, or the resident's spouse or dependents, may renew a Class D operator's license issued under this section by mail. If the resident, or his or her spouse or dependents, was issued an "under 21" operator's license, upon the date of the license holder's twenty-first birthday, the "under 21" operator's license may be renewed for an operator's license that no longer contains the outdated reference to being "under 21."

(2) A resident of the Commonwealth renewing an operator's license by mail under subsection (1) of this section may have a personal designee apply to the circuit clerk on behalf of the resident to renew the resident's operator's license. An operator's license being renewed by mail under subsection (1) of this section shall be issued a license without a photograph if there is no photo on file. If there is no photo on file, the license shall show in the space provided for the photograph the legend "valid without photo and signature."

(3) (a) 1. If a resident of the Commonwealth has been serving in the United States military stationed or assigned to a base or other location outside the boundaries of the Commonwealth and has allowed his or her operator's license to expire, he or she shall, within ninety (90) days of returning to the Commonwealth, be permitted to renew his or her license without having to take a written test or road test.

2. The spouse or dependent of a person identified in subparagraph 1. of this paragraph shall be afforded the same consideration identified in that subparagraph regarding the renewal of an expired operator's license.

(b) A person who meets the criteria in paragraph (a) of this subsection shall not be convicted or cited for driving on an expired license prior to license renewal during the ninety (90) days after the person's return to the Commonwealth if the person can provide proof of his or her out-of-state service and dates of assignment.

(c) A person who meets the criteria in paragraph (a) of this subsection and who does not renew his or her license within ninety (90) days of returning to the Commonwealth shall be required to comply with the provisions of this chapter governing renewal of a license that has expired.

(d) If a resident of the Commonwealth has been issued an "under 21" or 22 "under 21 CDL" operator's license and the person is unable to renew the license on the date of his or her twenty-first birthday, the "under 21" or 24 "under 21 CDL" operator's license shall be valid for ninety (90) days beyond the date of the person's twenty-first birthday.

(4) (a) Any person who served in the active Armed Forces of the United States, including the Coast Guard, and any member of the National Guard or Reserve Component who completed the member's term of service and was released, separated, discharged, or retired therefrom under either an honorable discharge or a general under honorable conditions discharge, may, at the time of initial application or application for renewal or duplicate, request that an operator's license or a personal identification card issued under this chapter bear the word "veteran" on the face or the back of the license or personal identification card.

(b) The designation shall be in a style and format considered appropriate by the Transportation Cabinet. Prior to obtaining a designation requested under this subsection, the applicant shall present the circuit clerk with an original or copy of his or her DD-214, DD-2, or NGB-22 form as proof of veteran status. The circuit clerk shall not be liable for fraudulent or misread forms presented.

SECTION 10. A NEW SECTION OF KRS 186.400 TO 186.640 IS CREATED 15 TO READ AS FOLLOWS:

(1) The Transportation Cabinet shall develop a system of issuing voluntary travel ID instruction permits, operator's licenses, commercial driver's licenses, and personal identification cards.

(2) The development of the system identified in subsection (1) of this section shall include but not be limited to the:

(a) Acquisition of equipment and information technology systems and services;

(b) Modification, conversion, or upgrade of the cabinet's existing databases, equipment, and information technology systems;

(c) Establishment of electronic connectivity with any other state's driver licensing department, federal agency, national or regional association, or business. Electronic connectivity under this paragraph shall be limited to the sharing of the minimum amount of information necessary to validate information supplied by an applicant, process the application, and produce and distribute the identity document. The Transportation Cabinet shall limit any access to the databases developed under this chapter in accordance with the Driver's Privacy Protection Act, 18 U.S.C. sec. 2721;

(d) Creation of a new design for operator's licenses, commercial driver's licenses, instruction permits, and personal identification cards that will meet the minimum content, design, and security standards required under this section;

(e) Collection, management, and retention of personal information and identity documents; and

(f) Development and implementation of a comprehensive security plan to ensure the security and integrity of the department's:

1. Employees;

2. Facilities;

3. Storage systems;

4. Production of operator's licenses, commercial driver's licenses, instruction permits, and personal identification cards; and

5. Collection and retention of personal information and identity documents.

(3) On or after January 1, 2019:

(a) A person who applies for an initial Kentucky instruction permit, operator's license, or personal identification card under Section 2, 3, 4, or 5 of this Act, including any person who establishes residency in the state, may apply for either a voluntary travel ID or a standard instruction permit, operator's license, or personal identification card;

(b) A person who applies for the renewal of an instruction permit, operator's license, or personal identification card under Section 2, 3, 4, or 5 of this Act may apply for either a voluntary travel ID or a standard instruction permit, operator's license, or personal identification card; and

(c) A person who holds a voluntary travel ID operator's license, and applies for and passes all necessary examinations for a commercial driver's license under KRS Chapter 281A, shall receive a voluntary travel ID commercial driver's license. This paragraph shall not apply to a person who is not a citizen or permanent resident of the United States.

(4) The fees for initial, renewal, duplicate, or corrected voluntary travel ID or standard operator's licenses, instruction permits, or personal identification cards shall be as set forth under Section of this Act.

(5) A voluntary travel ID identity document issued by the cabinet may be used for all state purposes authorized for identity documents otherwise issued under KRS 13 186.400 to 186.640 and KRS Chapter 281A.

(6) The Transportation Cabinet shall promulgate administrative regulations under KRS Chapter 13A that set standards for the establishment of a voluntary travel ID identity document system, including but not limited to, the components of the system identified in subsection (2) of this section.

SECTION 11. A NEW SECTION OF KRS 186.400 TO 186.640 IS CREATED TO READ AS FOLLOWS:

(1) In addition to the information required under Sections 2, 3, 4, and 5 of this Act, an applicant for a voluntary travel ID instruction permit, operator's license, or personal identification card under Section 10 of this Act shall present two (2) of the following documents upon application or renewal that show the name and physical residential address of the applicant:

(a) Utility bill;

(b) Current lease or rental agreement;

(c) Bank statement;

(d) Mortgage statement;

(e) Telephone bill;

(f) Current insurance policy;

(g) State or federal tax return that is less than one (1) year old;

(h) Pay slip or salary statement;

(i) Record from an educational institution in Kentucky which establishes enrollment; or

(j) Kentucky voter registration card.

(2) Any of the documents described in subsection (1) of this section that contains the name of the spouse of the applicant, together with a certified copy of the applicant's marriage license or marriage certificate, shall be considered acceptable documentation of proof of residence under subsection (1) of this section.

(3) The Transportation Cabinet may promulgate administrative regulations under KRS Chapter 13A to identify additional documentation that would satisfy the proof of residence requirement under this section.

(4) Unless otherwise specified, the documentation furnished under subsection (1) of this section must be less than sixty-one (61) days old.

(5) A Kentucky post office box address is not sufficient proof of physical address for purposes of this section. (6) The cabinet may require additional proof of physical address if the cabinet questions the validity or authenticity of the proof of physical address submitted by the applicant.

(7) In addition to the information required under Sections 2, 3, 4, and 5 of this Act, an applicant for a voluntary travel ID instruction permit, operator's license, or personal identification card under Section 10 of this Act shall present valid documentary evidence that the applicant:

(a) Is a citizen or national of the United States;

(b) Is an alien lawfully admitted for permanent or temporary residence in the United States;

(c) Has conditional permanent resident status in the United States;

(d) Has an approved application for asylum in the United States or has entered into the United States in refugee status;

(e) Has a valid, unexpired nonimmigrant visa or nonimmigrant visa status for entry into the United States; (f) Has a pending application for asylum in the United States;

(g) Has a pending or approved application for temporary protected status in the United States;

(h) Has approved deferred action status; or

(i) Has a pending application for adjustment of status to that of an alien lawfully admitted for permanent residence in the United States or conditional permanent resident status in the United States.

Section 12. KRS 186.401 is amended to read as follows:

As used in KRS 186.400 to 186.640: 18 (1) "[,a-]Driver's license" means ~~shall mean~~ an operator's license issued pursuant to **Sections 2, 3, and 6 of this Act**;

(2) "Operator's license" unless otherwise indicated, includes a motor vehicle operator's license, a motorcycle operator's license, and a combination motor vehicle-motorcycle license; and
(3) "[KRS 186.412 and a]Commercial driver's license" means[shall mean] a license 24 issued pursuant to KRS Chapter 281A.

Section 13. KRS 186.4101 is amended to read as follows:

(1) A license to operate a motor vehicle, motorcycle, or moped shall be renewed every **eight (8)**~~four (4)~~ years **prior to its expiration**~~during an applicant's birth month~~. **Except as provided in Sections 1 and 3 of this Act,** a person seeking to renew an operator's license shall apply at the office of the circuit clerk in the county where **the person**~~he~~ resides **in accordance with Section 2 of this Act**~~on a form furnished by the cabinet~~.

(2) In order to accommodate the transition from a four (4) year licensing schedule to an eight (8) year licensing schedule, the Transportation Cabinet may, during the first four (4) years after the effective date of this Act, renew operator's licenses and personal identification cards with terms of both four (4) and eight (8) years.

(3) The fee to renew an operator's license shall be according to the schedule set forth in 11 KRS 186.531.

Section 14. KRS 186.4125 is amended to read as follows:

(1) In order to apply for a voluntary travel ID identity document under Section 10 of 14 this Act, the applicant shall present the applicant's certified birth certificate or a valid, unexpired, United States passport or Permanent Resident Card (Form I- 16 551).

(2) For the purposes of KRS 186.400 to 186.640, an original hospital birth certificate signed by the attending physician shall be acceptable as certifying the birth date of an applicant for **a standard**~~an~~ instruction permit,~~[or] operator's license,~~ **or personal identification card.**

(3) The Transportation Cabinet shall apply to the United States Department of Homeland Security for an exception to allow birth certificates described in subsection (2) of this section to be used to apply for a voluntary travel ID identity document under Section 10 of this Act.

Section 15. KRS 186.430 is amended to read as follows:

EDITED

(4) A person over the age of sixteen (16) who is not a United States citizen, who has not been granted status as a permanent resident of the United States, but is a resident of Kentucky, shall be issued a Kentucky operator's license if the person complies with the requirements of **Section 3 of this Act**~~KRS 186.412. Except as provided in this subsection, an operator's license issued to a person who is not a United States citizen, who has not been granted status as a permanent resident of the United States, and who is not a special status individual but is a Kentucky resident, shall be valid for a period equal to the length of time the person's documentation from the United States Department of Justice, Immigration and Naturalization Service is issued, or four (4) years, whichever time period is shorter. An initial or renewal operator's license shall be valid for a period of two (2) years if the person is not a special status individual and the person's documentation issued by the United States Department of Justice, Immigration and Naturalization Service, is issued for an indefinite period of time and does not have an expiration date. The fee shall be 6 the same as for a regular operator's license]. The cabinet may at any time refuse or discontinue the exemptions authorized in this section for any grounds and may deny, cancel, suspend, or revoke an instruction permit or operator's license issued under this chapter.~~

EDITED

Section 16. KRS 186.435 is amended to read as follows:

(1) **Except as provided in subsection (4) of this section,** a licensed driver who becomes a Kentucky resident shall, within thirty (30) days of establishing residency, apply for a Kentucky operator's license in the office of the circuit clerk in the county 20 where the person has established his or her domicile.

(2) The **Transportation Cabinet**~~circuit clerk~~ shall, before issuing a person a Kentucky operator's license, verify through the National Drivers Register that the person applying for a Kentucky operator's license does

not currently have his or her operator's license or driving privilege suspended or revoked in another licensing jurisdiction.

(3) A person who is not a United States citizen but who has been granted permanent resident status by the United States Department of **Homeland Security, United States Bureau of Citizenship and Immigration Services** [Justice, Immigration and Naturalization Service], and who is a Kentucky resident, shall follow the same procedures for applying for an original, renewal, transfer, or duplicate operator's license as persons who are United States citizens.

(4) A licensed driver from another jurisdiction who:

(a) Is not a United States citizen;

(b) Has not been granted permanent resident status by the United States Department of Homeland Security, United States Bureau of Citizenship and Immigration Services;

(c) Becomes a Kentucky resident; and

(d) Wishes to operate a motor vehicle; shall, within thirty (30) days of establishing residency, apply for a Kentucky operator's license under the provisions of Section 3 of this Act.

Section 17. KRS 186.442 is amended to read as follows:

(1) The **Transportation Cabinet** [circuit clerk] shall, before issuing or renewing a Kentucky operator's license, verify through the National Drivers Register that the person applying for an initial or renewal Kentucky operator's license does not currently have his or her operator's license or driving privilege suspended or revoked in another licensing jurisdiction.

(2) If the person's operator's license or driving privilege is currently suspended or revoked in another licensing jurisdiction for a traffic offense where the conviction for the offense is less than five (5) years old, the **Transportation Cabinet** [circuit clerk] shall not issue the person an initial or renewal Kentucky operator's license until the person resolves the matter in the other licensing jurisdiction and complies with the provisions of this chapter.

(3) A person whose operator's license has been suspended or revoked in another licensing jurisdiction, or the holder of a Kentucky operator's license whose driving privileges have been suspended in another licensing jurisdiction, may be issued a Kentucky license, or may renew a Kentucky license if:

(a) The conviction causing the suspension or revocation is more than five (5) years old;

(b) The conviction is for a traffic offense other than a felony traffic offense or a habitual violator offense; and

(c) The person has been a resident of the Commonwealth for at least five (5) years prior to the date of application for issuance or renewal.

(4) (a) A person applying for an operator's license under subsection (3) of this section shall submit an application to the **circuit clerk in the person's county of residence, who shall electronically scan the application and supporting documents, along with a photograph of the applicant captured in accordance with subsection (1) of Section 6 of this Act, into the cabinet database** [Transportation Cabinet in Frankfort or a Transportation Cabinet 15 field office].

(b) **The circuit clerk shall review the person's documentation, including the person's photograph, in the cabinet database. If the documentation is verified as accurate, and if the person successfully completes any examinations required under Section 37 of this Act and pays the reinstatement fee required under Section 24 of this Act, the circuit clerk shall present the applicant with a temporary operator's license, which shall be valid for thirty (30) days, until a permanent operator's license is mailed to the applicant by the Transportation Cabinet** [The Transportation Cabinet shall, within fifteen

(15) days of receipt of the application, determine if the person is eligible to receive a license under subsection (3) of this section.

(c) ~~If the Transportation Cabinet determines the person may be issued a license under subsection (3) of this section, the cabinet shall issue the person an official form that the applicant shall present to the circuit clerk of the county where the person resides. Upon receipt of this notice, and completion of any examinations required under KRS 186.480, the circuit clerk shall issue the applicant a license under subsection (3) of this section].~~

EDITED

Section 18. KRS 186.450 is amended to read as follows:

(1) A person who is at least sixteen (16) years of age may apply for an instruction permit to operate a motor vehicle. A person who possesses a valid intermediate motor vehicle operator's license issued under KRS

186.452 or a person who is at least eighteen (18) years of age may apply for an instruction permit to operate a motorcycle. A holder of either a motor vehicle or motorcycle instruction permit may also operate a moped under that permit. A person applying for an instruction permit under this section shall make application in the office of the circuit clerk in the county where the person lives. A person applying for an instruction permit shall be required to comply with the following:

(a) If the person is under the age of eighteen (18), the instruction permit application shall be signed by the applicant's parent or legal guardian. If the person does not have a living parent or does not have a legal guardian, the instruction permit application shall be signed by a person willing to assume responsibility for the applicant pursuant to KRS 186.590; and

(b) All applicants for an instruction permit shall comply with the examinations required by KRS 186.480.

(2) If an applicant successfully passes the examinations required by KRS 186.480, the applicant shall be issued an instruction permit upon payment of the fee set forth in Section 21 of this Act ~~a six dollar (\$6) fee pursuant to KRS 186.531~~.

EDITED

Section 19. KRS 186.490 is amended to read as follows:

The circuit clerk of each county shall:

(1) Comply with all rules and regulations issued by the cabinet under KRS 186.400 relating to his **or her** duties;

(2) Act for the cabinet for the purpose of issuing temporary operator's licenses, ~~and~~ 26 instruction permits, and personal identification cards;

(3) Administer the oath required by Sections 2 and 4 of this Act ~~KRS 186.412~~ to the applicant without fee; (4) Report and remit monthly to the state all moneys collected during the preceding month and remit a copy of all applications taken by him during the same period to the Transportation Cabinet. Upon failure of any clerk to report and remit therefor more than seven (7) days after the due date, he shall pay, in addition to the amount due, a penalty of ten percent (10%) of the amount due. Penalties collected under this section shall be paid into the State Treasury as a part of the revenue collected under 8 KRS 186.531; and

(5) Keep adequate records of all moneys collected and remitted to the state; ~~and~~

(6) ~~Keep in his office at all times available to the cabinet a record of all temporary licenses issued in his county, all denials, cancellations, suspensions, revocations or withdrawals of operator's licenses or motorcycle operator's licenses within his county and, to the extent that he is advised, of all other withdrawals of the privilege to operate a motor vehicle on the highways].~~

Section 20. KRS 186.520 is amended to read as follows:

(1) A person whose license has been legitimately lost or destroyed, shall apply to the circuit clerk in the county in which the most recent permanent license was obtained in order to make application for a duplicate license. The person ~~He~~ shall furnish satisfactory proof by affidavit substantiating the loss or destruction when applying for a duplicate license.

(2) ~~[A person whose chauffeur's license has been legitimately lost or destroyed shall apply to the circuit clerk in the county in which the most recent permanent license was obtained in order to make application for a duplicate license. He shall furnish satisfactory proof by affidavit substantiating the loss or destruction when applying for a duplicate license.]~~ The fee for a duplicate license shall be according to the schedule set forth in KRS 186.531, ~~and fifty cents (\$0.50) shall be submitted to the Transportation Cabinet in compliance with KRS 186.400 through 186.490].~~

SECTION 21. KRS 186.531 IS REPEALED AND REENACTED TO READ 2 AS FOLLOWS:

(1) As used in this section:

(a) "AOC Fund" means the circuit court clerk salary account created in Section 22 of this Act;

(b) "GF" means the general fund;

(c) "IP" means instruction permit;

(d) "License Fund" means the KYTC photo license account created in Section 23 of this Act;

(e) "MC" means motorcycle;

(f) "MC Fund" means the motorcycle safety education program fund established in KRS 15A.358;

(g) "OL" means operator's license; and

(h) "PIDC" means personal identification card.

(2) The fees imposed for voluntary travel ID operator's licenses, instruction permits, and personal identification cards shall be as follows. The fees received shall be distributed as shown in the table. The fees shown, unless otherwise noted, are for an eight (8) year period:

SEE BILL FOR FEES

(3) The fees imposed for standard operator's licenses, instruction permits, and personal identification cards shall be as follows. The fees received shall be distributed as shown in the table. The fees shown, unless otherwise noted, are for an eight (8) year period:

SEE BILL FOR FEES

(4) The fee for a second or subsequent duplicate personal identification card for a person who does not have a fixed, permanent address, as allowed under subsection (5) of Section 4 of this Act and subsection (5) of Section 5 of this Act, shall be the same as for a duplicate regular personal identification card.

(5) The fee for a four (4) year original or renewal license issued pursuant to Section 13 of this Act shall be fifty percent (50%) of the amount shown in subsections (2) and (3) of this section. The distribution of fees shown in subsections (2) and (3) of this section shall also be reduced by fifty percent (50%) for licenses that are issued for four (4) years.

(6) Any fee for any identity document applied for using alternative technology under Sections 1 and 4 of this Act shall be distributed in the same manner as a document applied for with the circuit clerk.

(7) (a) An applicant for an original or renewal operator's license, commercial driver's license, motorcycle operator's license, or personal identification card shall be requested by the clerk to make a donation to promote an organ donor program.

(b) A donation under this subsection shall be two dollars (\$2) for any license or card with an eight (8) year term, and one dollar (\$1) for any license or card with a term of less than eight (8) years.

(c) The donation under this subsection shall be added to the regular fee for an original or renewal motor vehicle operator's license, commercial driver's license, motorcycle operator's license, or personal identification card. One (1) donation may be made per issuance or renewal of a license or any combination thereof.

(d) The fee shall be paid to the circuit clerk and shall be forwarded by the clerk on a monthly basis to the Kentucky Circuit Court Clerks' Trust for Life, and such moneys are hereby appropriated to be used exclusively for the purpose of promoting an organ donor program. A donation under this subsection shall be voluntary and may be refused by the applicant at the time of issuance or renewal.

(8) In addition to the fees outlined in this section, the following individuals, upon application for an initial or renewal operator's license, instruction permit, or personal identification card, shall pay an additional application fee of thirty dollars (\$30), which shall be deposited in the road fund:

(a) An applicant who is not a United States citizen or permanent resident and who applies under Section 3 or 5 of this Act; or

(b) An applicant who is applying for a instruction permit, operator's license, or personal identification card without a photo under subsection (9) of Section 6 of this Act.

EDITED

Section 26. KRS 186.540 is amended to read as follows:

(1) Except as provided in subsections^[subsection] (2) and (3) of this section, when any person, after applying for or receiving an operator's license or personal identification card, moves from the address named in the application or on the identity document^[license] issued to the person,^[him] or when the name of a identity document holder^[licensee] is changed, by marriage or otherwise, the person shall within ten (10) days after the change apply to the circuit clerk in the person's^[his] county of residence for the issuance of a corrected license. The fee for a corrected license shall be as set forth in Section 21 of this Act.

(2) If **an identity document**~~[a license]~~ holder's street name or postal address is changed and the **person**~~[license holder]~~ has not moved to a new residence, the **person**~~[license holder]~~ shall apply to the circuit clerk for a corrected **identity document**~~[license]~~, **which shall be issued** free of charge.

(3) If a person receives an identity document that contains an error, the person shall apply to the circuit clerk for a corrected identity document, which shall be issued free of charge.

Section 27. KRS 186.570 is amended to read as follows

EDITED

(7) Each operator's license which has been canceled, suspended, or revoked shall be surrendered to and **destroyed**~~[retained]~~ by the cabinet. At the end of the period of cancellation, suspension, or revocation, the license **holder** may **reapply under Section 2 or 3 of this Act**, after~~[be returned to]~~ the licensee~~[after he]~~ has complied with all requirements for the issuance or reinstatement of his **or her** driving privilege.

EDITED

Section 32. KRS 281A.170 is amended to read as follows:

(1) The commercial driver's license shall be marked "commercial driver's license" and "CDL" and shall be, to the maximum extent practicable, tamper proof. It shall include but is not limited to the following information:

- (a) The name and present resident address of the licensee;
- (b) The licensee's color photograph;
- (c) A physical description of the licensee including sex, height, weight, and eye color;
- (d) The licensee's date of birth;
- (e) The licensee's signature;
- (f) The class or type of commercial motor vehicle or vehicles that the person is authorized to drive together with any endorsements or restrictions;
- (g) The name of this state;
- (h) The dates between which the license is valid; and
- (i) Any other information required by the cabinet, except for a person's Social Security number.

(2) A commercial driver's license issued under this chapter shall contain a denotation that either:

(a) The commercial driver's license is a voluntary travel ID identity document that complies with the security standards set forth by Pub. L. No. 109-13, 25 Title II, and may be used for identification for federal purposes; or

(b) The commercial driver's license shall not be used for federal identification purposes.

EDITED

(5)~~[(4)]~~ A commercial driver's license issued to a resident pursuant to this chapter shall expire in **eight**~~(8)[four (4)]~~ years unless the license was issued to a resident under the age of twenty-one (21). A commercial driver's license issued to a person who is not a resident shall be issued for one (1) year and shall not be renewable. The fee for a commercial driver's license issued to a nonresident shall be the same as the fee charged to a resident.

(6)~~[(5)]~~ A person under the age of twenty-one (21) shall not be licensed to operate a Class A, B, or C vehicle unless he has an "I" restriction. A commercial driver with an "I" restriction shall not drive a commercial motor vehicle in interstate commerce, unless he is exempt pursuant to 49 C.F.R. 391.2. A commercial driver under the age of twenty-one (21) shall not be allowed to operate a school bus or a vehicle transporting hazardous material in intrastate commerce.

(7)~~[(6)]~~ The holder of a commercial driver's license shall be considered to hold a valid Kentucky driver's license issued under the provisions of **Sections 2 and 6 of this Act**~~[KRS 186.412]~~.

Section 33. KRS 281A.120 is amended to read as follows:

(1) A commercial driver's instruction permit may be issued to an individual twenty-one (21) years and older who:

(a) Has complied with the criminal history background check required by KRS 15 281A.300;

(b) Holds a valid **Kentucky Class D operator's**~~[automobile driver's]~~ license;~~[-and]~~

(c) Is a citizen or permanent resident of the United States; and

(d) Has passed the vision and knowledge tests required for a commercial driver's license of the class vehicle to be driven. Instruction permits shall be class specific.

(2) A commercial driver's instruction permit may be issued to a resident eighteen (18) years of age who:

(a) Has complied with the criminal history background check required by KRS 24 281A.300;

(b) Holds a valid **Kentucky**~~[automobile]~~ Class D **operator's**~~[driver's]~~ license;~~[-and]~~

(c) Is a citizen or permanent resident of the United States; and

(d) Has passed the vision and knowledge tests required for a commercial driver's license of the class vehicle to be driven.

A commercial driver's license instruction permit issued under this subsection 4 shall be valid~~[, if the individual]~~ only **for the operation of**~~[drives]~~ a commercial motor vehicle in intrastate commerce **that is**~~[and does]~~ not~~[drive]~~ a school bus or a vehicle hauling hazardous material. The instruction permit shall be class specific and shall contain an "I" restriction noting that the commercial driver is limited to Kentucky intrastate commerce.

(3) A commercial driver's instruction permit shall not be issued to a resident for a period to **exceed one hundred eighty (180) days**~~[six (6) months]~~. Only one (1) renewal or reissuance may be granted within a two (2) year period for the same class of vehicle. The holder of a commercial driver's instruction permit may, unless otherwise disqualified, drive a commercial motor vehicle on the highways of Kentucky only when accompanied by the holder of a commercial driver's license valid for the type of vehicle driven and who occupies a seat beside the permit holder for the purpose of giving instruction in driving the commercial motor vehicle.

Section 35. KRS 186.010 is amended to read as follows:

As used in this chapter, unless otherwise indicated:

(19) "Identity document" means an instruction permit, operator's license, or personal identification card issued under Sections 2, 3, 4, 5, and 6 of this Act or a commercial driver's license issued under KRS Chapter 281A.

(20) "Travel ID," as it refers to an identity document, means a document that complies with Pub. L. No. 109-13 Title II.

Section 39. The following KRS sections are repealed:

186.495 Alphabetical index of operators' licenses.

186.5315 Posting of notice about 1994 increases in fees of circuit clerks.

Section 40. Sections 1 to 9 and 11 to 39 of this Act take effect January 1, 2019.

HOUSE BILL 417

LAW ENFORCEMENT CONCEALED CARRY

Section 1. KRS 237.137 is amended to read as follows:

(1) Off-duty peace officers authorized to do so by the government employing the officer and retired peace officers certified under KRS 237.138 to 237.142 may carry concealed firearms on or about their persons at all times and at any location within the Commonwealth where an on-duty peace officer is permitted to carry firearms.

(2) (a) Any person who prevents or attempts to prevent an individual authorized under subsection (1) of this section from carrying a concealed firearm shall be guilty of a violation subject to a fine of:

1. Five hundred dollars (\$500) for a first offense;

2. One thousand dollars (\$1,000) for a second offense; and

3. Two thousand five hundred dollars (\$2,500) for a third or any subsequent offense.
(b) A citation for the violation may be issued to an individual or an establishment where the violation occurs.

NOTE: This bill also includes changes to the Civilian Concealed Carry process.

HOUSE BILL 524 HUMAN TRAFFICKING

SECTION 1. KRS 17.500 is amended to read as follows:

As used in KRS 17.500 to 17.580:

EDITED

- (2) "Cabinet" means the Justice and Public Safety Cabinet;
- (3) (a) Except as provided in paragraph (b) of this subsection, "criminal offense against a victim who is a minor" means any of the following offenses if the victim is under the age of eighteen (18) at the time of the commission of the offense:
1. Kidnapping, as set forth in KRS 509.040, except by a parent;
 2. Unlawful imprisonment, as set forth in KRS 509.020, except by a parent;
 3. Sex crime;
 4. Promoting a sexual performance of a minor, as set forth in KRS 20 531.320;
 5. Human trafficking involving commercial sexual activity, as set forth in KRS 529.100;
 6. **Promoting human trafficking involving commercial sexual activity, as set forth in KRS 529.110;**

EDITED

Section 4. KRS 500.080 is amended to read as follows:

As used in the Kentucky Penal Code, unless the context otherwise requires:

EDITED

- (15) "Serious physical injury" means physical injury which creates a substantial risk of death, or which causes serious and prolonged disfigurement, prolonged impairment of health, or prolonged loss or impairment of the function of any bodily organ. **For a child (12) years of age or less at the time of the injury, a serious physical injury includes but is not limited to the following:**
- (a) Bruising near the eyes, or on the head, neck, or lower back overlying the kidneys;**
- (b) Any bruising severe enough to cause underlying muscle damage as determined by elevated creatine kinase levels in the blood;**
- (c) Any bruising or soft tissue injury to the genitals that affects the ability to urinate or defecate;**
- (d) Any testicular injury sufficient to put fertility at risk;**
- (e) Any burn near the eyes or involving the mouth, airway, or esophagus;**
- (f) Any burn deep enough to leave scarring or dysfunction of the body;**
- (g) Any burn requiring hospitalization, debridement in the operating room, IV fluids, intubation, or admission to a hospital's intensive care unit;**
- (h) Rib fracture;**
- (i) Scapula or sternum fractures;**
- (j) Any broken bone that requires surgery;**
- (k) Head injuries that result in intracranial bleeding, skull fracture, or brain injury;**
- (l) A concussion that results in the child becoming limp, unresponsive, or results in seizure activity;**
- (m) Abdominal injuries that indicate internal organ damage regardless of whether surgery is required;**
- (n) Any injury requiring surgery;**
- (o) Any injury that requires a blood transfusion; and**
- (p) Any injury requiring admission to a hospital's critical care unit;**

EDITED

HOUSE BILL 540 AVIATION

SECTION 1. A NEW SECTION OF KRS CHAPTER 183 IS CREATED TO READ AS FOLLOWS:

(1) A commercial airport may prepare an unmanned aircraft facility map. In preparing the map, a commercial airport shall consult with the Federal Aviation Administration air traffic control tower at the airport,

(2) Any unmanned aircraft facility map developed by a commercial airport shall be filed with the secretary of the airport board and shall be prominently displayed on ⁹ the airport's Web site.

(3) An unmanned aircraft facility map shall not extend beyond the approach surface areas specifically described in 14 C.F.R. sec. 77.19(d), and as published in the official airport master plan record.

(4) If the Federal Aviation Administration creates and makes available a map for the commercial airport that restricts the areas where it is unsafe to operate an unmanned aircraft in the areas described in 14 C.F.R. sec. 77.19(d), that map shall be the unmanned aircraft facility map of the commercial airport.

SECTION 2. A NEW SECTION OF KRS CHAPTER 183 IS CREATED TO 18 READ AS FOLLOWS:

(1) An operator of an unmanned aircraft or a direct supervisor of an operator of an unmanned aircraft, if that direct supervisor holds a remote pilot certificate under ²¹ 14 C.F.R. Part 107, shall not operate or allow an unmanned aircraft to operate:

(a) In a manner that allows an incursion of an unmanned aircraft into areas prohibited for the operation, taking off, and landing of an unmanned aircraft as designated by a commercial airport's unmanned aircraft facility map, except with the approval of the commercial airport operator; or

(b) In a reckless manner so as to create a risk of serious physical injury to another or a risk of damage to property.

(2) The provisions of this section shall not apply to an operator of an unmanned aircraft for a commercial purpose in compliance with Federal Aviation Administration regulations, authorizations, or exemptions.

Section 3. KRS 183.011 is amended to read as follows:

EDITED

(12) "Commercial airport" means an airport certified by the Federal Aviation Administration in accordance with 14 C.F.R. Part 139;

EDITED

(17)(16)] "Operate," as pertains to an unmanned aircraft, means the actions taken by an operator of an unmanned aircraft. "Operate" refers only to the actions of an operator on the ground and is not intended to regulate an unmanned aircraft flying in navigable airspace;

(18) "Operation of aircraft" or "operate aircraft" means the use, navigation, or piloting of aircraft in the air space over this state, or upon any airport within this state. Any person who causes or authorizes the operation of aircraft, whether with or without the right of legal control as owner, lessee, or otherwise of the aircraft, shall be deemed to be engaged in the operation of aircraft within the meaning of the statutes of this state;

(19) "Operator" means a person operating or flying an unmanned aircraft;

EDITED

(29) "Unmanned aircraft" means an aircraft operated without the possibility of direct human intervention from within or on the aircraft; and

(30) "Unmanned aircraft facility map" means a map that may be developed by a commercial airport to display the airport facility's airspace overlaid with latitude and longitude rectangular gridlines, or any other commercially available system, that reflects the areas where it is unsafe to operate an unmanned aircraft without authorization by the commercial airport operator on property owned by a commercial airport and in specific areas consistent with obstructions to navigation under 14 C.F.R. Part 77.

Section 4. KRS 183.990 is amended to read as follows:

(1) Any person violating any of the provisions of this chapter with respect to operation of aircraft, or violating the provisions of any rule, regulation, or ordinance adopted 6 under KRS 183.133(6), shall be fined not less than ten dollars (\$10) nor more than one hundred dollars (\$100) or imprisoned not more than ninety (90) days or both.

(2) Each violation of the statutes pertaining to the state airport zoning commission or of any order, rule, or regulation promulgated pursuant thereto shall be punishable by a fine of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) or imprisonment for not more than thirty (30) days or both and each day a 12 violation continues to exist shall constitute a separate offense.

(3) Any person who violates the provisions of KRS 183.886 shall be fined not less than fifty dollars (\$50) nor more than one thousand dollars (\$1,000) or shall be imprisoned in the county jail for not less than ten (10) nor more than ninety (90) days, or both.

(4) Any person who violates the provisions of KRS 183.887(2) **or Section 2 of this Act** shall be guilty of:
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(a) A Class A misdemeanor; or

(b) A Class D felony, if the violation causes a significant change of course or a serious disruption to the safe travel of the aircraft that threatens the physical safety of the passengers and crew of the aircraft.